

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

09-CR-00466 (BMC)

4 United States Courthouse
Brooklyn, New York

5 -against-

6 January 17, 2019
9:30 a.m.

7 JOAQUIN ARCHIVALDO GUZMAN LOERA,

8 Defendant.

9
10 TRANSCRIPT OF CRIMINAL CAUSE FOR TRIAL
11 BEFORE THE HONORABLE BRIAN M. COGAN
12 UNITED STATES DISTRICT JUDGE
13 BEFORE A JURY

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VAZQUEZ - DIRECT - GOLDBARG

1 (In open court; jury not present.)

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: Good morning, let's have the jury
4 please.

5 (Jury enters courtroom.)

6 THE COURT: Please be seated. Good morning, ladies
7 and gentlemen.

8 THE JURORS: Good morning.

9 THE COURT: We will continue with direct
10 examination, Ms. Goldbarg.

11 MS. GOLDBARG: May I inquire, Your Honor?

12 THE COURT: Yes.

13 MS. GOLDBARG: Thank you.

14 VICTOR J. VAZQUEZ, resumed as a witness, having been
15 previously duly sworn/affirmed, was examined and testified
16 further as follows:

17 DIRECT EXAMINATION

18 BY MS. GOLDBARG:

19 Q Good morning, Agent Vasquez.

20 A Good morning.

21 Q When we left off yesterday you were discussing how the
22 operation moved from Culiacan to Topolobampo. I'm showing you
23 what's in evidence as Government Exhibit 506-19?

24 Can you mark again on the map where Topolobampo is.

25 (Witness complies.)

1 And you also testified that there were three targets
2 of this capture operation and you discussed the attempted
3 capture of Mayo Zambada yesterday, who were the other two
4 targets of that capture operation?

5 A Rafael Caro Quintero and Joaquin Guzman Loera.

6 Q Were you assigned the investigation of Rafael Caro
7 Quintero when you arrived in Mexico in 2008?

8 A No.

9 Q Did you attempt to capture Rafael Caro Quintero in 2008
10 when you were Mexico?

11 A No, ma'am.

12 Q Why not?

13 A He was already in jail.

14 Q When was Rafael Caro Quintero arrested?

15 A 1985.

16 Q So why in 2014 was he one of your targets to capture?

17 A Because he was let go from prison in August of 2013.

18 Q So how long did he serve in jail?

19 A Twenty-eight years.

20 Q Now when you get to Topolobampo, what decisions are made
21 there? What decisions do you make there?

22 A When we -- when we arrived to Topolobampo with another
23 Mexican Marine base we once again regroup all our resources,
24 any new info or intelligence that is coming in from the
25 domestic offices and our options at that time.

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1 Q What decision did you make at that time?

2 A We decided to go after Joaquin Guzman Loera.

3 Q So where did you go?

4 A We had to go back to the city of Culiacan.

5 Q What date is this?

6 A This is February 16, 2014.

7 Q Where do you go in Culiacan?

8 A So once again, there is no Mexican Marine base in
9 Culiacan, so we go to a field north of the city.

10 Q What do you do at the field in the north of Culiacan?

11 A We establish a command post there.

12 Q Who do you target first once you set up the command post
13 in Culiacan?

14 A We targeted an individual known as Condor.

15 Q Why were you targeting Condor?

16 A Condor was the individual that was primarily most of the
17 time with Guzman Loera.

18 Q Did you locate Condor on that date, on February 16th?

19 A No.

20 Q Did you get any -- did you try several times on that date
21 to locate him?

22 A Yes, we had a couple of locations for him.

23 Q Were there any problems when you were trying to find him
24 or see him at another location?

25 A Yes, in the first location we didn't have any success, so

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1 we moved to the second location and at the second location we
2 were stopped by the local police force.

3 Q Why was that a problem?

4 A Once again, the police force --

5 MR. BALAREZO: Objection as to this.

6 THE COURT: Overruled.

7 A It's a problem because we're moving around the city of
8 Culiacan in two unmarked vehicles and get stopped by the local
9 police force for no reason. Safety issue and corruption
10 issue.

11 Q So what decision do you make after this happens?

12 A We go back to the field north of the city.

13 Q To the command post?

14 A Yes.

15 Q What decision, if any, do you decide -- I'm sorry, strike
16 that. Who, if anyone, do you attempt to locate next?

17 A We changed our strategy, we went after an individual
18 known as Nariz.

19 Q What is Naris, that's N-A-R-I-S, is that a Spanish word?

20 A Yes. N-A-R-I-Z. Nariz.

21 Q What does it stand for, what does it mean?

22 A Nariz means nose.

23 Q What prompted you to look for Nariz?

24 A We knew Nariz was a individual, a runner for Guzman
25 Loera, a gopher, an individual that would go and retrieve

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1 things for Guzman Loera, an individual that knew all his
2 houses, his cars, locations, where Guzman Loera spent his time
3 in the city of Culiacan. He knew absolutely everything about
4 Guzman Loera.

5 Q Did you locate Nariz on that date?

6 A Yes.

7 Q Where did you find him?

8 A At this residence.

9 Q Can you describe what happened when you arrived at
10 Nariz's residence?

11 A We had information that he could be celebrating an event
12 of some sorts. We went to the location of interest and at
13 first we couldn't find where he was or a good location for
14 him, like a house or a residence, but we did notice that there
15 was a party going on. This is Sunday night almost on a Monday
16 morning, with two suburbans blocking the entry to this street
17 where all these houses are at. And I went back to the
18 conversation that I had received from the domestic office that
19 said he's got to be here because we can't find him, we can't
20 get into that street but he is celebrating something and
21 that's a party, he has to be there.

22 Q So what did you do as a result of this?

23 A At that point there was only two vehicles around that
24 area, myself and another vehicle of marines. I called the
25 rest of the Mexican Marines that were now in their marked

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1 trucks to surround the area, cordon off the area, make a
2 perimeter, nobody leaves or enters this area until we search
3 or -- this area for Nariz.

4 Q And what did you do next?

5 A Once the marines told me they had a good perimeter of the
6 location, I exited my vehicle and we walked towards the party.
7 There was maybe 15, 16, 17 males, 10 to 12 females celebrating
8 a party, having drinking, listening to music.

9 Q When you arrived at this location did you know what Nariz
10 looked like?

11 A No, I just knew that it had to do something with his
12 nose. He had a big nose, small nose, no nose, something.
13 Something told me focus on the nose.

14 Q When you arrive at this location do you find Nariz, when
15 you first arrive at the location?

16 A No. I -- I had the information in hand that I was
17 looking for an individual named Nariz. So I had asked the
18 marines to line up all the males in front of the party and to
19 please ask them to show us their phones and if they had a
20 Blackberry device to show us their Blackberry PIN.

21 Q What is a Blackberry PIN?

22 A A Blackberry PIN is used to message a Blackberry PIN
23 messenger, it's a message from one Blackberry to the other.
24 Blackberry is just like a regular device, a Nokia or another
25 type of device like an iPhone.

1 Q Why were you looking for the specific Blackberry PIN?

2 A Because of the information we were getting the domestic
3 office.

4 Q And which domestic office was providing you with this
5 information?

6 A HSI office out of Nogales, Arizona.

7 Q What happened when you asked the marines to line up these
8 men at the party?

9 A At that point I believe it was an all or nothing. I
10 didn't want to show my hand and say, hey, which one of you is
11 Nariz. Most likely I was not going to get any positive
12 response. So I was going down the line of men. The females,
13 we just let them go. They were sitting down, standing up.
14 They were obviously complaining, you know, what were you doing
15 here, whatever, so we ignored them, let me do whatever they
16 wanted to. Some were sitting just looking.

17 As I went by each male, I don't have a Blackberry,
18 okay, step back. I have a Blackberry, here's my PIN. At that
19 moment I had a marine Intel analyst with me and I said confirm
20 the last three for Nariz that we have from domestic office.
21 He said it was 87F. I said that's the number we're looking
22 for, so if you see it, that's going to be our guy. As I go
23 down, I'm going down, I'm down to four or three males left,
24 and at that point I'm telling myself, this is it, this is our
25 moment it has to be something happening here, one of these

1 guys has to be it and right when I'm asking the third guy to
2 the end, my attention gets diverted to my left as one of the
3 females jumps off her chair and kind of yells, I'm going to
4 check on my baby. Just out of the blue.

5 Q Did you observe where this woman went?

6 A Yes.

7 Q And did where she went draw any attention to you?

8 A Absolutely.

9 Q Why?

10 A Because it was -- it was -- to me, it triggered some kind
11 of like alert, you got to pay attention. This is not right,
12 why would she just get up and jump off the chair.

13 Q Where did you see her go?

14 A I told the marine next to me, pay attention to her as I
15 kept asking the males and he pointed at me and said, look at
16 the house where she's going to. I turned around, she walked
17 towards probably one of the nicest houses in the neighbor,
18 with a brand new -- what looked to be a brand new car in the
19 driveway, and I said he's in there, he's in that house.

20 Q When you say "he" who are you referring to?

21 A Nariz.

22 Q So what did you do next?

23 A I asked the marines to search that residence. At that
24 point we had a female -- two female marines, one a doctor, one
25 a nurse. I asked the nurse or the doctor, I can't recall

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1 which one it was, to please go in there and ask the female to
2 exit the residence as we wanted to have the marines search.

3 Q Did you go into the residence?

4 A I went in through the entry of the door. As I entered, I
5 saw it was a living room and I saw the female holding her baby
6 with tight hands on the side yelling at the marines, Get out
7 of my house, get out of my house, you're corrupt, get out of
8 here. I asked the female marine, please bring her out, we
9 have to search this residence and she refused. And what
10 another thing that caught my attention was she held her hands
11 very tight to her sides. As she's holding the baby, she's
12 yelling but she's yelling in to her baby that was another
13 concern. It was like, why are you so concerned about the baby
14 if you're yelling in her ear. So I asked the marine, please
15 pull her out. As the marine attempts to pull the baby, they
16 struggled a little bit, the marine pulled the baby -- the
17 female marine pulled the baby away, as the baby was pulled
18 away from the female a phone dropped from her armpit.

19 Q What did you do once you saw the phone?

20 A When I saw the phone fall, I said check that phone, he's
21 in the house.

22 Q What happened next?

23 A The marines went into the back of the master bedroom and
24 they pulled Nariz out.

25 Q Well, what happened next?

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1 A They walked Nariz towards me, I was maybe from here to
2 the wall away from him and I said, "Tu eres Nariz."

3 Q What does that mean in English?

4 A I said, you are Nariz, you are nose or the nose.

5 Q What did this person respond?

6 A He said -- he nodded, he said yes.

7 Q Showing you for identification purposes Government
8 Exhibit 219-1.

9 Do you recognize the person in this photo?

10 A Yes.

11 Q Is this a fair and accurate depiction of the person you
12 saw --

13 MR. BALAREZO: No objection, Your Honor.

14 A Yes.

15 MR. BALAREZO: No objection.

16 MS. GOLDBARG: At this time the government moves to
17 admit Government Exhibit 219-1 into evidence.

18 THE COURT: Received.

19 (Government Exhibit 219-1, was received in
20 evidence.)

21 Q Agent Vasquez, who is this?

22 A That's Nariz.

23 Q Now after he admitted that he was Nariz, what did you ask
24 him next?

25 A I asked him, do you know where he's at right now, I want

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1 to know where he's at right now. By he, I meant Guzman Loera.

2 Q What did Nariz respond?

3 A He responded he's at the 3.

4 Q Did you ask him anything else?

5 A Yes.

6 Q Why?

7 A 'Cause I knew he was lying to me.

8 Q I'd like to show you what is in evidence as Government
9 Exhibit 610N-6T.

10 You said you were being provided information from
11 HSI Nogales. When you said that you knew Nariz was lying when
12 said he was in 3, why is that?

13 A Because of the conversation from the domestic office, the
14 Nogales HSI office had previously sent us.

15 Q Drawing your attention to paragraph 3. Can you read that
16 in English, please.

17 A Yeah, bro, go there very early to the birria and take it
18 to the 5, bring waters. I forgot the rocket at the 3. Behind
19 the cautiba in the back, bring it to me.

20 Q Had you seen this message before?

21 A Yes.

22 Q Was this a message that you had when you indicated you
23 believed that Nariz wasn't being honest with you?

24 A Yes.

25 Q Can you explain why?

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1 A I received the message in Spanish and my conversations
2 and my chats and when he told me he was at the 3, I knew he
3 was -- Guzman Loera was already at 5.

4 Q At that time did you know what the 3 or the 5 stood for?

5 A Code words for locations or safe houses or safe
6 locations.

7 Q So when Nariz told you that he was at the 3, what did you
8 say to him?

9 A I said, no, he's not, and I asked him one more question:
10 Where are you taking the birria tomorrow?

11 Q That's B-I-R-R-I-A.

12 A Yes.

13 Q What does that mean?

14 A Birria it's a goat soup, goat stew.

15 Q Why did you ask him about the goat stew?

16 A I used that question because if I -- once I knew he
17 was -- if I used birria he would know that I was -- that I
18 knew he was lying to me and I was on to him, I knew more about
19 him than he thought.

20 Q And what happened when you asked Nariz about this?

21 A So when I asked him, he put his head down and his eyes
22 kind of rolled back wide, his air kind of left and he said,
23 he's at the 5.

24 Q At some point in time did you come to learn where the 3
25 and 5 were?

1 A Yes, ma'am.

2 Q How did you find out?

3 A Nariz took us there.

4 Q So after Nariz told you who's at the 5, what did you do
5 next?

6 A Advised the marines to have Nariz go in the passenger
7 side of his vehicle, have a marine drive and two marines
8 behind. I told them grab all the remote controls in the
9 vehicles or other vehicles around in the house, remote
10 controls of the garages, I mean. And he would take us there.

11 Q He being who?

12 A Nariz.

13 Q Where is the first location you went to?

14 A The 5.

15 Q For the witness, I'm showing you what's been marked as
16 Government Exhibit 219-2 for identification.

17 MR. BALAREZO: No objection.

18 THE COURT: 219-2 received.

19 (Government Exhibit 219-2, was received in
20 evidence.)

21 Q Publishing Government Exhibit 219-2.

22 (Exhibit published.)

23 Q Agent Vasquez, what are we looking at here?

24 A House 5.

25 Q Now, how did you get there?

1 A I didn't want to take all the marines in a convoy marked
2 units, so I wanted Nariz to be in his vehicle, the same
3 vehicle that Guzman Loera would recognize in case he saw him,
4 in case Guzman was looking out the window. So I used that
5 vehicle with my vehicle and another unmarked vehicle behind
6 us. I told the marine driving, I said, Listen, when he tells
7 you to make a left, make a left. When he tells you to make a
8 right, right. Once you reach the last turn before the houses
9 in the street, you stop, you don't know go.

10 Q Why did you give the marine that instruction?

11 A I wanted us close enough, the closest possible to the
12 residence without raising any alert or any suspicion from
13 anybody around in unmarked vehicles. Three vehicles at the
14 most, Nariz's car, and two vehicles of marines behind him.

15 Q So what happened next?

16 A As we traveled, maybe it was 15 minutes of turns and
17 lefts and the marine finally reach out to me, I had my radio
18 right here, he said, Vic --

19 MR. BALAREZO: Objection.

20 THE COURT: Overruled.

21 A He said, Nariz told me that once I make this right the
22 house is on this street.

23 Q And after the marine told you that, what did you do next?

24 A I said, Good, don't move park your car there. I reached
25 out to my marine sergeant, Mexican Marine sergeant that was

1 with me, as he called everybody here at our location, surround
2 the neighbor again, nobody in, nobody out. Once we make that
3 turn it's going to be a go and we need to have a good
4 perimeter.

5 Q What happened next?

6 A We waited for the marines to build a perimeter around
7 their location. Once my sergeant said everything is good,
8 confirm, okay, and I told the marine, make a right. The two
9 marines behind in the back seat, start using the remote
10 controls to the garage. I said, whatever house opens,
11 whatever house opens, that's your house.

12 Q What happened next?

13 A As the marines made the right, I was maybe 200, maybe
14 150 meters behind it so I hurried up. I can see them going
15 down the street and I'm behind it and I see a door, a garage
16 door open roll up.

17 Q What did you do next?

18 A I was actually surprised that it actually worked. I was
19 like, whoa, there it is.

20 Nariz -- the marine with Nariz parked right past the
21 residence, I went straight to the opening of the garage, I
22 parked my car right in the opening, I got out and
23 automatically immediately observed what we were looking at.

24 Q What was that?

25 A It was a house, you see it has metal railings protecting

1 on the windows, the lights upstairs were on. The marines in
2 my vehicle along with the other marines that were surrounding
3 the perimeter immediately went up into the entry of the garage
4 and --

5 Q Before they got to the garage, did you give the marines
6 any instructions as to where to go once they got into the
7 house?

8 A Yes.

9 Q What prompted you to give them those instructions?

10 A A communication from domestic office.

11 Q Which domestic office?

12 A HSI Nogales.

13 Q And what was that information?

14 A I said, don't waste your time with the upstairs, go
15 straight to the master bedroom bathroom.

16 Q Why did you instruct the marines to go straight to the
17 bathroom?

18 A Because I knew he was using tunnels to move from location
19 to the other locations.

20 Q So what happens when they get to the door?

21 A When they get to the door, the marines use a ram, a
22 battering ram --

23 Q What's a battering ram?

24 A It's a device about this big, maybe shorter, some are
25 cylinder, some are square. You use them like to make entry.

1 Law enforcement uses them all the time to make entry during
2 search warrants.

3 It takes them about eight, nine minutes to get in.
4 They break one, they call for the other one. They come in and
5 get the second ram going. They are telling us, hey, it's a
6 fortified door, it's a metal door, it's hard to get in. I
7 said, keep going, keep going, don't waste your time upstairs
8 go to the straight to master bedroom bathroom when you get in.

9 Q Had you ever used a battering ram before?

10 A Yes.

11 Q How many times in your experience have you had one break
12 trying to get into a door?

13 A None.

14 Q As the marines are trying to get into the door with the
15 battering ram, what are you doing?

16 A I'm standing back and I'm communicating with the marines.
17 The captain is running around and I'm -- he's advising
18 everything -- the perimeter is secure. I said nobody in or
19 out, tire flats ready, everybody gets stopped and questioned.
20 We need to surround, secure the whole neighborhood.

21 Q What's a tire flat?

22 A A tire flat is a device used by law enforcement or
23 military to throw on the street to make a vehicle that's
24 running fast or going away or trying to evade get a flat tire.

25 Q Were the Mexican Marines able to enter the house?

1 A Yes.

2 Q What happened next?

3 A As I heard the marines -- I'm still standing in front of
4 the garage, I heard the marines go in 'cause I heard the rams
5 go down and make entry. I waited maybe what seemed to be
6 forever but it was more like 10, 15 seconds and on my radio
7 said, "tunel," "tunel," "tunel," which means tunnel, tunnel,
8 tunnel. Then I heard a big bam sound. After the bang sound I
9 waited for any gunfire because that would tell me who
10 detonated, I didn't hear any gunfire after the bang so I knew
11 the marines had detonated.

12 Q What did they detonate?

13 A A flash bang.

14 Q Why did they do that?

15 A Once they saw the tunnel opening, it's probably not a
16 good idea to go down there and see who is down there. You
17 don't know who's waiting for you to go down there, so they had
18 to detonate a flash bang to.

19 Q What happens when you detonate a flash bang?

20 A Obviously makes a big sound, big noise. The walls
21 rattle, stuff on the walls comes down, the lights go out.
22 There's smoke, a little smoke is in the close -- especially in
23 the area like that a bathroom or master bedroom there is a lot
24 of smoke comes out.

25 Q Where did you go? Did you enter the house at this time?

1 A No.

2 Q Where did you go?

3 A I'm still outside, I hear the sound and I know the
4 marines have found a tunnel, so my priority is to say, okay, I
5 had marines -- we had marines going in there now, let's make
6 sure everything is secure and he's not coming out of the
7 manhole covers. And we got a good perimeter.

8 So I'm running around making sure everybody is in
9 place. Some marines are stopping people on the street. I
10 quickly go, that's not him, let him go. Boom, boom, boom.
11 There's marines all over the place, action on the radio. The
12 captain is yelling, hey, do this, do that, make sure you
13 secure. The marines that are following him say we hear him,
14 we hear him up front, we hear him up front.

15 Q When the marines are saying, we hear him, we hear him,
16 what do you understand that to mean?

17 A As they hear Guzman Loera in front in the tunnel.

18 Q At some point in time did you go in the house?

19 A Yes.

20 Q When you say that you're setting a perimeter, what does
21 that mean?

22 A Staging marines in corners, different layers or different
23 circular perimeters around the block making sure that you
24 identify anybody that's trying to leave or entering, which is
25 easy because it was probably four in the morning 3:30 in the

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1 morning on a Monday morning so there was not a lot of traffic,
2 so that was really easy to do because, you know...

3 Q How wide was the perimeter that you set up?

4 A About two blocks.

5 Q So what happens when you go inside of the house?

6 A When I go in, the marine points, direct me to what is
7 enter through my right, I go in, I observe, I go down because
8 the marines are now relaying it's very hot, very humid --

9 Q You go down where?

10 A Into the tunnel. And as I go in, I go in maybe 15,
11 20 feet and I said, wow, this is really hot and I'm going have
12 issues going through here because it's really -- some parts
13 they're telling me, hey, it's very -- "muy chiquito," "muy
14 chiquito."

15 Q What does that mean?

16 A Very small areas where the marines -- I mean even they
17 are having trouble getting in there because of the size of the
18 tunnel and the conditions.

19 Q Agent Vasquez, how tall are you?

20 A 6'2".

21 Q Were you able to easily maneuver in that tunnel?

22 A In the beginning, yes, but you can tell as you keep going
23 you're going to be basically crouched the majority of the
24 time.

25 Q What decision did you make?

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1 A I go back out and I start telling the marines, okay,
2 don't go any more in the bathtub. Let's start using these
3 manhole covers because if he's down here, as we're getting
4 reported by the radio, let's start opening these manhole
5 covers. Some were square like you have here in New York,
6 square ones, but most of them are circular manhole covers, a
7 little smaller than the ones in the U.S. And marines are
8 saying, hey, you can't go in there with your long gun because
9 it's too -- at some point you can't -- I mean it's going to be
10 cumbersome.

11 Q So what happens?

12 A I was there with the captain, I said, Captain, maybe you
13 should ask volunteers without their long guns and without
14 their vests because this is -- the vest is going to make them
15 really hot. The captain said okay only handguns and take your
16 vest off, volunteers only.

17 Q How many people volunteered?

18 A Every single marine volunteered.

19 Q What did they do next?

20 A As they were going down I had some chem lights in my
21 cargo pocket.

22 Q What is a chem light?

23 A Chem light is like, I don't know, artificial, a chemical
24 light used to really -- kids use them on Halloween, chem
25 light. I cracked a few open and I handed them out to each

1 marine going in and I said, "Hey, vaya con Dios, ale."

2 Q What does that mean in English?

3 A Go with God.

4 Q So after the marines volunteered to go down in the
5 manholes, what did you do next?

6 A Can you repeat again.

7 Q Yes. After the marines volunteered to go into the
8 manholes, what did you do next?

9 A As I'm sending them off, and I stayed there for a little
10 bit, again secured everybody, all the marines that are not in
11 the manhole covers are ready on standby and then I make my way
12 back to the house.

13 Q Do you grab anything before you go into the house?

14 A Yes.

15 Q What do you grab?

16 A I go to my vehicle and I turn on my GoPro.

17 Q What's a GoPro?

18 A A device used to record video.

19 Q Did you record your entry into the house the second time?

20 A Yes.

21 Q Showing you for identification Government Exhibit 219-31.

22 MR. BALAREZO: No objection, Your Honor.

23 THE COURT: Received.

24 (Government Exhibit 219-31, was received in
25 evidence.)

1 Q What's in evidence now as 219-31, I'd like to play two
2 clips. The first clip for the record is zero seconds to 45
3 seconds.

4 Agent Vasquez, I would like to ask you to narrate
5 what we're seeing as the video is playing. If we can also dim
6 the lights. Thank you.

7 (Video recording played.)

8 A So that's where my vehicle is at. I'm walking towards
9 the garage door entry. I'm making my way into the front door,
10 foyer. You can see there is a marine standing there and the
11 metal door that was so hard for marines to get in there.
12 There's two rams on the ground. I'm telling the marine that
13 Nariz had notified Condor, but Condor never got the message
14 that we were coming --

15 Q What are we looking at here?

16 A -- you see the entry here of the upstairs and the kitchen
17 area, living room. You see a frame down because of the
18 explosion, and then you have the master bedroom the lights are
19 completely out, you see the entry to the tunnel underneath the
20 bathtub.

21 Q That light that we're seeing, was that the entry to the
22 tub?

23 A Yes.

24 Q That's at about 38 seconds.

25 Now, at that time you see a painting that's on the

1 sofa, do you know why it was on the sofa?

2 A Because of the explosion.

3 Q Now we're going to play the second clip. Sorry. Which,
4 for the record, is from one minute 26 seconds to two minutes
5 53 seconds.

6 (Video recording played.)

7 Now right there on the right-hand side, what do we
8 see on the screen?

9 A You see like a little command -- not a command center, a
10 place to set up a camera or closed circuit TV.

11 Q Where you now?

12 A This is the master bedroom.

13 Q Where is that?

14 A There's the tunnel, it's like a vent. You see the
15 bathtub being pulled up. It's assisting -- somebody pulls it
16 up it's assisted by two shock absorbers.

17 Q What else is happening as you're inspecting the bathroom?

18 A I have a few of the marines coming back. These are a few
19 of the ones that went into the tunnel originally, they are
20 coming back. They're absolutely exhausted. As you can see,
21 they are not very tall but even them had issues with it.

22 Trying to help them get out of that.

23 Q It looks like there is a sledgehammer at the side of the
24 tub, what was that for?

25 A That was used to just make sure the tub didn't fall on

1 anybody as far as the Mexican Marines.

2 Q And what is the physical state of the marines as they are
3 coming out?

4 A They're tired, exhausted. They're telling me, oof, it's
5 extremely hot down there. We went ahead and were relieved by
6 other marines that were going into the manhole covers.

7 Q By this time approximately how much time had you spent at
8 this location, approximately?

9 A It was so -- I don't know, maybe an hour.

10 Q Did you find the defendant at this house?

11 A No.

12 Q So after you searched the tunnel, what did you do next?

13 A Regrouped and regathered, kept going.

14 Q Where did you go next?

15 A We still had Nariz, so we had Nariz take us to the next
16 location.

17 Q Before we move on to the next location, I'd like to show
18 you what's been marked for identification as Government
19 Exhibit 219-8.

20 Do you recognize that photo?

21 A Yes.

22 Q What is that photo?

23 A That's me coming out of the tunnel.

24 Q Is that a true and accurate depiction of you at that
25 time?

1 A Yes.

2 Q The government moves to admit --

3 MR. BALAREZO: No objection.

4 THE COURT: Received.

5 (Government Exhibit 219-8, was received in
6 evidence.)

7 Q The government will ask to publish Government
8 Exhibit 219-8.

9 (Exhibit published.)

10 This is the entry of what tunnel, of what tub? Is
11 that the house we just looked at?

12 A Yes, house 5.

13 Q On the left and the right-hand side we see certain
14 objects that I just marked in green, can you describe what
15 those objects are?

16 A Chucks used to help assist in pulling the bathtub up.

17 Q Now, you go to the next location, what day is that?

18 A Still the same day, February 17th, 2014.

19 Q Does Nariz go with you to this location?

20 A Yes.

21 Q Showing you for identification purposes Government
22 Exhibit 219-3.

23 MR. BALAREZO: No objection.

24 THE COURT: Received.

25 (Government Exhibit 219-3, was received in

1 evidence.)

2 Q Moving into evidence, 219-3 and publishing to the jury.

3 (Exhibit published.)

4 Agent Vasquez, what are we looking at in this photo?

5 A That's the second location we went to that Nariz took us
6 to.

7 Q What happened when you got there?

8 A Marines made entry, located the tunnel.

9 Q Did you find anyone inside?

10 A No, ma'am.

11 Q What did you do after you entered into this location?

12 A We immediately kept going. At each location, house 5,
13 this location. Once we -- the marines made entry, secured it,
14 checked it, make sure nobody was inside or around the area, we
15 moved to the second location and we always left marines behind
16 to secure it to make sure nobody would come back in.

17 Q Why were you doing this?

18 A If we made entry and nobody was there we wanted to keep
19 going, I wanted to keep going because we didn't have enough
20 time, the light -- the sunlight is coming up, word is going to
21 get out that we're going around. An associate can get the
22 word out, hey, they're going to all these houses, go to this
23 house take this out before they get there. I wanted to go
24 through the whole house location, warehouses, associate houses
25 that Nariz was aware of before anybody -- an associate of

1 Guzman Loera could get to that house and take anything out, I
2 wanted to hit everything in place.

3 Q So after you went to this location, where did you go
4 next?

5 A To a third location.

6 Q Showing you for identification purposes, Government
7 Exhibit 219-4.

8 MR. BALAREZO: No objection.

9 THE COURT: Received.

10 (Government Exhibit 219-4, was received in
11 evidence.)

12 Q Moving into evidence 219-4 and publishing to the jury.
13 (Exhibit published.)

14 Q Agent Vasquez, what are we looking at here?

15 A That's the third location that we went to.

16 Q Was Nariz still with you?

17 A Yes.

18 Q Does Nariz enter the house with you?

19 A Yes.

20 Q What, if anything, do you see Nariz do or observe him do?

21 A Nariz shows myself and the marines how to get into the
22 tunnels.

23 Q What did you observe him do?

24 A I observed him grab a piece of metal or a little piece of
25 wire with the two ends bare, insert it into the outlet of the

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1 vanity, underneath the vanity mirror. Once he does this
2 there's a little sound, a crackling sound from the bathtub
3 which separates the sealant of the bathtub from the base.

4 Q Did you take a video of Nariz opening the bathtub?

5 A Yes, ma'am.

6 Q Showing you for identification purposes what's been
7 marked Government's Exhibit 219-32.

8 Do you recognize this video?

9 A Yes.

10 Q I'm sorry, do you recognize this CD?

11 A Yes.

12 Q How do you recognize it?

13 MR. BALAREZO: No objection.

14 THE COURT: Received.

15 (Government Exhibit 219-32, was received in
16 evidence.)

17 MS. GOLDBARG: Admitting into evidence 219-32.

18 I'd like to play this for the jury, I'd like the
19 lights dimmed as well.

20 Can you narrate also for us as the video is playing
21 what it is we're looking at?

22 A So Nariz is standing right underneath the vanity and he's
23 inserting piece of wire into the outlet. Once it's down,
24 there is a sound, there's a marine taking a picture he's
25 asking where's it at, Nariz says over here, and you can see

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1 the white crackling come apart from the bathtub, from the
2 base, and we asked to Nariz to lift it. He's having issues,
3 but that's one of the shock absorbers coming to assist
4 anybody, now it makes it easy for him to lift it.

5 MS. GOLDBARG: Pause it there.

6 (Video recording paused.)

7 Q In the back we something black, what is that?

8 A This part here?

9 Q Yes. Actually we have a photo. Yes, we'll do it with
10 the photo. Keep going.

11 (Video recording played.)

12 A So we asked Nariz, hey, which one is this, he gave us the
13 number.

14 Q Keep playing. Is that Nariz still with you?

15 A That is Nariz.

16 Q At this time did you go into this tunnel?

17 A No.

18 Q Showing you for identification --

19 THE COURTROOM DEPUTY: One second.

20 Q -- what's been marked as Government Exhibit 219-7.

21 Do you recognize this photo?

22 A Yes. Yes.

23 Q What is it?

24 A It seems to be a still image of the tunnel that Nariz
25 showed us.

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1 Q Is it a fair and accurate depiction of the photo?

2 MR. BALAREZO: No objection, Your Honor.

3 THE COURT: Received 219-7.

4 (Government Exhibit 219-7, was received in
5 evidence.)

6 MS. GOLDBARG: I'm trying to clear the red mark on
7 there.

8 THE COURTROOM DEPUTY: Do you have something on the
9 monitor?

10 MS. GOLDBARG: I do not.

11 Q What's the color of the underside of the tub in this
12 photo?

13 MR. BALAREZO: We'll stipulate it's red, Your Honor.

14 THE COURT: It's easy to let the witness answer.

15 Q Answer the question.

16 A Reddish color.

17 Q Why didn't you go into the tunnel?

18 A Nobody in the residence and we wanted to keep going.

19 MS. GOLDBARG: We're having technical difficulties
20 here, sorry.

21 A When I say I didn't go in the tunnel, it doesn't mean
22 marines didn't go into the tunnel, but I didn't go in the
23 tunnel.

24 MR. BALAREZO: Objection. There is no question.

25 THE COURT: All right. That answer is stricken.

1 Do you have another question?

2 MS. GOLDBARG: Yes.

3 Q Are you aware of whether or not any other marines went
4 into the tunnel at that location?

5 A No, I'm not aware.

6 Q After Nariz opened the tunnel for you, what did you do
7 next?

8 A Nariz took us to the next location.

9 Q Showing you for identification --

10 MR. BALAREZO: No objection, Your Honor.

11 THE COURT: 219-5 received.

12 (Government Exhibit 219-5, was received in
13 evidence.)

14 MS. GOLDBARG: Thank you. Moving into evidence
15 219-5 and publishing to the jury.

16 (Exhibit published.)

17 Q What are we looking at here?

18 A That was next location after he showed us the tunnel.

19 Q What happened when you got here?

20 A As we arrived, you see the entry to the garage, I noticed
21 the marines were standing there and I walked towards there.
22 The marines are having difficulty, the hard time opening the
23 door from inside the garage.

24 Q Were you still recording entries into the house at this
25 time?

1 A Yes.

2 Q Showing you for identification purposes --

3 MR. BALAREZO: No objection.

4 MS. GOLDBARG: Moving into evidence without
5 objection, Government Exhibit 219-20.

6 THE COURT: Received.

7 (Government Exhibit 219-20, was received in
8 evidence.)

9 MS. GOLDBARG: Thank you. And we have two clips
10 from this video. I ask we play the first one at this point in
11 time which, for the record, is from 36 seconds to two minutes
12 and 17 seconds.

13 (Video recording played.)

14 Q If you can describe what we're looking at as the video is
15 playing. Approximately what time is this?

16 A 4:30, five.

17 Q In the morning?

18 A Yes. The same day, February 17th, 2014.

19 Q What are we seeing here?

20 A I'm making my way up to the garage entry, I see some of
21 the marines standing by. As you can see in the back there's
22 marines using a ram attempting to make entry to go into a
23 door. I walk over to see and I notice there's two metal doors
24 again reinforced.

25 Q What are we observing here at about --

1 A Marines are rotating, taking turns using the ram to make
2 entry.

3 Q Is it common to see this level of effort needed to --
4 with a ram?

5 MR. BALAREZO: Objection.

6 THE COURT: Overruled.

7 Q In your experience?

8 A No.

9 Q What do we see here?

10 A Another marine taking a turn at the ram.

11 Q Is he making any progress?

12 A A little bit.

13 Q What do we see there?

14 A Another marine attempting to insert -- trying to insert a
15 bar, a metal bar in there as the other marine hits it.

16 Q The videos -- the audio has been turned off for a few
17 seconds, what are we listening to there?

18 A Banging of the ram on the metal doors.

19 Q How many people attempted to gain entry into that door?

20 A Seven to eight, maybe more.

21 Q If we could play the second clip of this video and, for
22 the record, it's three minutes 36 seconds to four minutes
23 three seconds.

24 (Video recording played.)

25 Q What are we observing here?

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1 A Another marine again trying to open that door.

2 Q What do we see here in about 15 seconds?

3 A I take the ram, I take my turn at it.

4 Q How heavy is that ram?

5 A Seven -- seven, eight pounds.

6 Q What is it made out of?

7 A Metal.

8 Q Were you able to gain entry?

9 A Not me.

10 Q Were the marines eventually able to get into this
11 location?

12 A Yes.

13 Q How long did it take to get in?

14 A It took a while. I couldn't tell you how long exactly it
15 took.

16 Q So what happened once you finally entered into the house?

17 A As marines made entry they went inside and I went back to
18 talk to the captain, the marine captain and to our next stop.

19 Q Was anything found inside of this house?

20 A Yes.

21 Q Did you take inventory of the items as you were going
22 through the houses, or did you do that later?

23 A I did that later.

24 Q Where did you go next?

25 A To the next location that Nariz took us to.

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1 Q Showing you for identification Government Exhibit 219-6.

2 What is this, Agent Vasquez?

3 A That's the next location we -- Nariz took us.

4 Q Is this a fair and accurate depiction of the location
5 that you went to afterwards?

6 A Yes.

7 MS. GOLDBARG: At this time the government move to
8 government exhibit 219-6 into evidence.

9 MR. BALAREZO: No objection.

10 THE COURT: Received.

11 (Government Exhibit 219-6, was received in
12 evidence.)

13 MS. GOLDBARG: Seek to publish.

14 (Exhibit published.)

15 Q Agent Vasquez, what are we looking at here?

16 A The entry of the garage of the residence.

17 Q And what day is that you arrive at this house?

18 A February 17th, 2014.

19 Q Did you find anyone inside of this house?

20 A No.

21 Q So what did you do next?

22 A We continued on with Nariz.

23 Q Where did you go, where did he take you next?

24 A Other associates' locations, warehouses, Condor's
25 residence.

1 Q Did you find the defendant in any of those locations?

2 A No.

3 Q At some point in time do you return to the five houses
4 that we just saw photos of?

5 A Yes.

6 Q When was that?

7 A The same, the same day.

8 Q Showing you for identification purposes 219-9, 10 and 11.
9 Do you recognize these photos?

10 A Yes.

11 MR. BALAREZO: No objection, Your Honor.

12 THE COURT: Received.

13 MS. GOLDBARG: The government would move to admit
14 into evidence.

15 (Government Exhibit 219-9, 10, 11, were received in
16 evidence.)

17 BY MS. GOLDBARG:

18 Q Starting with Government Exhibit 219-10, what are we
19 looking at here?

20 A It's a picture of myself standing in front of narcotics.

21 Q Looking at 219-9, what are we looking at here?

22 A It's another picture of the narcotics, methamphetamine.

23 Q Did you inspect these packages?

24 A Yes.

25 Q What did you observe?

1 A When I grabbed or picked up a package it had the same
2 feel that of methamphetamine, it's a crystalline feel of it,
3 crackling inside. It wasn't the same as cocaine. Cocaine is
4 a powder form packed into a kilo shape or can be any other
5 shape.

6 Q Had you seen packages like this before with your years
7 with the DEA?

8 A Absolutely.

9 Q How many packages of this drug was found at this
10 location?

11 A Over 2800 packages.

12 Q Showing you what's now in evidence, 219-11. What are we
13 looking at there?

14 A Looking at plastic boxes of plastic bananas, fake
15 bananas.

16 Q What did you do with these?

17 A Just took a picture. I observed them and the marines
18 picked one up and I felt the plastic material it was made out
19 of.

20 Q Can you describe what it was?

21 A It was plastic banana like.

22 Q Was there anything on the inside?

23 A Oh, substance believed to be cocaine.

24 Q At what location did you find these items?

25 A At the one where the marines were having a hard time

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1 entering.

2 Q Showing you Government Exhibit 219-5, is that the
3 location?

4 A That's it.

5 Q Showing you for identification purposes 219-12 and
6 219-13.

7 MR. BALAREZO: No objection.

8 THE COURT: Received.

9 MS. GOLDBARG: Move into evidence 219-12 and 219-13.

10 (Government Exhibit 219-12 and 219-13, were received
11 in evidence.)

12 Q Did you take a video of any of the evidence we're looking
13 at?

14 A Yes.

15 MR. BALAREZO: No objection.

16 MS. GOLDBARG: Moving into evidence 219-24.

17 THE COURT: Received.

18 (Government Exhibit 219-24, was received in
19 evidence.)

20 MS. GOLDBARG: If I can play, Your Honor, for the
21 jury, the video -- yes, I'm sorry, 219-24.

22 Q Can you narrate for us what we're looking at.

23 (Video recording played.)

24 A This is a video of ammunition, handguns, grenades, a
25 holster, and two RPGs.

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1 Q I'm showing you what's in evidence as 219-12, what are we
2 looking at here?

3 A It's a photograph of the video I took.

4 Q Can you circle the RPGs that you mentioned before.

5 (Witness complies.)

6 Q And what's right above the RPGs?

7 A Four grenades, hand grenades.

8 Q And what about the object in the middle that's on a
9 tripod with the red handle?

10 A That's the device used to launch the RPGs.

11 Q Right above that there's a box with items in it?

12 A Ammunition.

13 Q Showing you 219-13, what are we looking at here?

14 A A set of three handguns on the ground.

15 Q Surrounded by?

16 A Ammunition, magazines and right beside the RPG launcher.

17 Q I'm zooming in on one of the handguns on the left, can
18 you describe what we're looking at there?

19 A You see the diamond encrusted initials, JGL.

20 Q Now in the video, the first video that we looked at you
21 said that there was a closed circuit TV. I'm showing you for
22 identification purposes 219-14.

23 What are we looking at here?

24 MR. BALAREZO: No objection.

25 MS. GOLDBARG: Moving into evidence 219-14 asking to

1 publish to the jury.

2 THE COURT: Received.

3 (Government Exhibit 219-14, was received in
4 evidence.)

5 (Exhibit published.)

6 Q Agent Vasquez, what are we looking at in this photo?

7 A You're looking at two monitors with plastic cables and
8 used for closed circuit TV to see what's outside of the
9 residence. The majority of the houses that we hit had this
10 system where they can be inside and see what was going on
11 outside, who is driving on the streets, who is knocking on the
12 door, who is coming and going.

13 Q Is that what you mean by closed circuit?

14 A Yes.

15 Q In how many houses did you find this type of system?

16 A The majority.

17 Q Did you find any personal effects in any of these houses?

18 A Yes.

19 Q Showing you for identification purposes what's been
20 marked Government Exhibit 219-15.

21 MR. BALAREZO: No objection.

22 MS. GOLDBARG: Move into evidence Government
23 Exhibit 219-15.

24 THE COURT: Received.

25 (Government Exhibit 219-15, was received in

1 evidence.)

2 Q Also what's in evidence as Government Exhibit 219-15.

3 Agent Vasquez, can I ask you to describe what we're looking at
4 here?

5 A A photo of Mr. Guzman Loera's family.

6 Q Who do you recognize in this photo?

7 A I recognize the top, top two on the right.

8 Q Can you circle the people you recognize.

9 (Witness complies.)

10 Q Who do you recognize those to be?

11 A Those are Ovidio and Joaquin.

12 Q What relation do they have to the defendant?

13 A They are Mr. Guzman Loera's sons.

14 Q Do you recall which house you found this in?

15 A I cannot recall which one it was.

16 Q At some point in time when you're reviewing what's been
17 found in these houses, did you also go back to inspect the
18 tunnels?

19 A Yes.

20 Q Did you take a video of the tunnels?

21 Showing you for identification purposes -- actually
22 it's in evidence, 219-33.

23 Have you reviewed this video, Agent Vasquez?

24 A I have to look at it.

25 Q Have you reviewed this video?

1 A Oh, yes.

2 Q Is this a video you took?

3 A No.

4 Q Does this video accurately depict part of the tunnel that
5 you went through?

6 A Yes, at some point.

7 Q For the record, we're playing just a clip from 52 seconds
8 until one minute 25 seconds, and, Agent Vasquez, if you could
9 narrate for us what it is that we're seeing in this video.

10 (Video recording played.)

11 A So this reporter is going into the tunnel. Those are
12 consistent with the tunnels that I observed, the wood paneling
13 with the lights to a certain point. And he's making his way
14 up to the drainage to go out to the city.

15 Q Do you recognize that location right there?

16 A Yes, that's the tunnel that Nariz showed us opening, you
17 can see the -- you can still see the sealant on ground there.

18 MS. GOLDBARG: Thank you.

19 Q Now, how many days did you spend in Culiacan searching
20 these houses?

21 A About four days.

22 (Continued on the next page.)

23

24

25

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1 (In open court.)

2 DIRECT EXAMINATION

3 BY MS. GOLDBARG (continuing):

4 Q What were you doing during those four days?

5 A My or our idea was to flush him out of the city.

6 Q What do you mean by that?

7 A To make it hard for him to ever come back to Culiacan.

8 What do I mean by that? Is I want to take out every tunnel he
9 has, via Nariz, take out his infrastructure, all residences,
10 associates, or his associates, make it hard for him to, once
11 we leave, for him to come back to the city and just begin
12 again.

13 Q So does the operation end in Culiacan?

14 A No.

15 Q Do you continue searching for the defendant in Culiacan?

16 A No.

17 Q Where did you go?

18 A We go to Mazatlan.

19 Q Where is Mazatlan?

20 A Mazatlan is a fishing town about an hour and 15 minutes
21 south of Culiacan.

22 Q I'm showing you what's in evidence as Government
23 Exhibit 506-19:

24 Can you mark for us on the map where is Mazatlan.

25 On what date did you go to Mazatlan?

1 A February 21, 2014.

2 Q What prompted you to go from Culiacan to Mazatlan?

3 A An interview of the plaza boss, of Picudo, and
4 information from domestic offices.

5 Q Who is Picudo?

6 A Picudo was the plaza boss in Culiacan for Guzman Loera
7 and the Sinaloa Cartel.

8 MR. BALAREZO: Objection.

9 THE COURT: Ask another question.

10 Q Based on your investigation, did you learn what role
11 Picudo had in the organization?

12 A Yes.

13 Q What's that?

14 MR. BALAREZO: Objection.

15 THE COURT: Overruled.

16 A As the plaza boss in Culiacan.

17 Q Was Picudo detained?

18 A Yes.

19 Q What date?

20 A February 17, evening.

21 Q Were you present?

22 A Yes.

23 Q I'm showing you what's in evidence as Government
24 Exhibit 68.

25 MR. BALAREZO: No objection.

1 MS. GOLDBARG: It's in evidence.

2 THE COURT: Received.

3 Q Who is that?

4 A Picudo.

5 Q You said there was information from Picudo that caused
6 you to go to Mazatlan.

7 What was that information?

8 MR. BALAREZO: Objection.

9 THE COURT: Overruled, not being offered for the
10 truth.

11 A When Picudo was detained by the marines, the marines
12 interviewed him, and I was present and he told the marines a
13 conversation he had with Guzman Loera.

14 Q Did he provide information -- what did he say?

15 MR. BALAREZO: Objection.

16 THE COURT: Overruled.

17 A He told the marines that Guzman Loera had contacted him
18 early that morning to meet him at a location where Guzman
19 Loera was waiting for him. Picudo got up in his vehicle,
20 traveled to that location that was asked by Guzman Loera.

21 When he arrived at the location Guzman Loera was --
22 I believe he said he was just wearing pants. There were two
23 females with him and Condor. Mr. Guzman Loera was very quiet,
24 very pensive, didn't say much.

25 All he told Picudo was take me to Mazatlan, hand me

1 over to Bravo Aponte.

2 Q Who is Bravo Aponte?

3 A Bravo Aponte is the plaza boss for Sinaloa Cartel in
4 Mazatlan.

5 MR. BALAREZO: Objection.

6 THE COURT: Overruled.

7 Q What preparations did you make to get from Culiacan to
8 Mazatlan?

9 A Going down to Mazatlan, I didn't want to raise -- I
10 wanted to keep the majority, or we needed to keep the majority
11 of the marines in Culiacan, to keep the focus of the marines
12 in Culiacan.

13 The idea was to travel in unmarked vehicles, one or
14 two at a time together, without the uniform on, and to leave a
15 majority of the marked Mexican marine trucks behind, just take
16 three. We went to -- equivalent to a Walmart, had the marines
17 buy sandals, board shorts, beachwear. We acted like we were
18 just going on -- to the beach as tourists.

19 Q Why did you do that?

20 A Not to -- to make it look like we are just going on a
21 Friday afternoon to the beach, to drink, or whatever touristy
22 thing.

23 Once we were ready, we traveled in one at a time,
24 two at a time, going down to Mazatlan with the marked units
25 behind us, always being alert of lookouts or any activity on

1 the way down.

2 Q How long did it take you to travel from Culiacan to
3 Mazatlan on that day?

4 A About two hours.

5 Q Did you have to change how you were traveling to
6 Mazatlan?

7 A Yes.

8 Q What prompted you to change how it is you were traveling
9 to Mazatlan?

10 A Information received from HSI's Nogales.

11 Q What was that information?

12 MR. BALAREZO: Objection.

13 THE COURT: Overruled.

14 A HSI relayed to us on the ground that there was
15 communications between the division known as Pipo and Condor,
16 alerting them or that there was marines in civilians, civilian
17 wear, going down to a place called Mojolo, marine's boludo
18 leaving the airport.

19 So the lookouts, halcones, were calling out
20 everything that moves. That's their job. They call out
21 anything that leaves the airport, leaves north of the city,
22 south of the city, in the city. They are calling out
23 everything; and that specific conversation, that was reported
24 to Condor from Pipo.

25 Q Once you received that information, how was it you were

VAZQUEZ - DIRECT - GOLDBARG

1 approaching Mazatlan?

2 A Instead of traveling two vehicles together, I decided to
3 have the first vehicle even go farther away, which made us, in
4 a way, more vulnerable. I alerted the marines of this. I had
5 a conversation in English and a chat in a Mexican chat. I
6 alerted the marines of this; and they said, okay, copy, we
7 will be alert.

8 Q Where did you get to that day?

9 A Mazatlan.

10 Q What day is this?

11 A February 21, 2014.

12 Q When you arrived at Mazatlan what did you do?

13 A We gathered in the safe location or command post that we
14 set up, and we went ahead with the plan for the next day.

15 Q Where did you go the next day?

16 A The next morning we went to a location known as Hotel
17 Miramar.

18 Q When did you leave for Hotel Miramar?

19 A In the morning, 4:00, 4:30, on February 22, 2014.

20 Q I'm showing you what's been marked for identification as
21 Government's Exhibit 217 -- 219-17.

22 MR. BALAREZO: No objection.

23 MS. GOLDBARG: I'm moving into evidence what's been
24 marked Government Exhibits 219-17, 18, and 19.

25 THE COURT: Received.

VAZQUEZ - DIRECT - GOLDBARG

1 (Government Exhibit 219-17, 219-18, 219-19, were
2 received in evidence.)

3 Q I'm showing you Government Exhibit 219-17.

4 What do we see there?

5 A The street with Hotel Miramar.

6 Q Can you circle where is the hotel.

7 The large building in the middle?

8 A Yes.

9 Q Thank you. Also, now showing you 219-18.

10 Now, what time do you arrive at the hotel?

11 A 4:30, 4:45.

12 Q Do you encounter any issues as you arrive at the hotel?

13 A Yes.

14 Q What were those?

15 A As we arrived there were two local police units with
16 their lights on, each one facing each way in front of the
17 hotel.

18 Q Can you mark on Government Exhibit 219-18 where is it you
19 saw those marked police officers? All right.

20 Why did this cause you --

21 A Each facing.

22 Q Why did those cause you concern?

23 A Once again, the corruption in the state is rampant. I
24 didn't know if those units were put there by the organization
25 to protect or to see anybody coming in and out of that area.

VAZQUEZ - DIRECT - GOLDBARG

1 So we wanted to be absolutely aware of their presence and
2 maybe attempt to move them out of the way.

3 Q Were they moved out of the way?

4 A Yes.

5 Q On Government Exhibit 219-18, can you circle where is the
6 Hotel Miramar.

7 MS. GOLDBARG: Just for the record, it's in the
8 middle of the photograph with the blue top.

9 Q And then you put dots and arrows on either side of that.

10 Is that the location of the police cars that you
11 saw?

12 A Yes.

13 Q As you were traveling to Hotel Miramar, how many people
14 are a part of this operation present?

15 A Twenty-four, twenty five. Twenty-four.

16 Q Is this considered a large group for this type of
17 operation?

18 A No.

19 Q Why not?

20 A You are going into a stronghold of the cartel with 24
21 individuals to take control of a hotel that's ten stories and
22 multiple entries and exits and rooms. It's very, very small.
23 So it was done for a reason, to stay low profile.

24 Q What happened once you arrived at Hotel Miramar?

25 A Once we arrived at Hotel Miramar, we had marines in the

1 back. We had already moved the patrol units away. We had
2 marines in the front. Now their marked units had come in.

3 I come out of my car. I make entry into the -- if
4 you are looking at the hotel from the street, I run up --
5 thank you -- this is kind of sort of my view. I was looking
6 up, and I said, okay, he's got to be in there somewhere.

7 MS. GOLDBARG: Can we publish 219-19 for the jury,
8 please. Thank you.

9 Q So you said this was the vantage point you had when you
10 arrived.

11 A Yes.

12 Q What are you looking for?

13 A I'm looking for anybody opening a window or attempting to
14 jump out of the balcony from the side. So I have a marine
15 next to me, and I said you need to focus on this whole side of
16 the building, anybody opens a window or tries to pop their
17 head out. You have to alert us of anybody trying to run out
18 the window. There is no tunnels in this hotel, I hope, so
19 let's -- he's got to probably run through a window.

20 I had marines in the back, securing that area.
21 There was entries in the back. There was kind of like a big,
22 open entry. In front of that is a pool. So I had that
23 secured. I had marines out.

24 So our resources were very, very stretched out.

25 Q Do you stay outside of the hotel?

1 A I do.

2 Q What happened next?

3 A The marines are inside going floor to floor. I finally
4 get a confirm, saying seven, seven, seven; seven, seven,
5 seven.

6 Q What does that mean?

7 A Seven, seven meant gather everything, let's go, let's go,
8 let's go. We're moving to the next location.

9 Q When they said confirmed, what did you understand that to
10 mean?

11 A When they said siete, siete, siete, confirmado, confirmed
12 it. Means come to the basement. I knew they had got him,
13 Guzman Loera.

14 Q What did you do?

15 A I ran to the basement parking lot.

16 Q You are making a circular motion with your hand.

17 A Yes. If you go down, the parking lot is kind of like --
18 sorry -- you make your way into a circular mode all the way
19 down to the basement.

20 I ran there. As I approached the entry to the
21 basement, the marines had Mr. Guzman Loera on his knees and
22 they were holding him. The marines said, please confirm,
23 confirm it is him. Is it him? Is it him? Is it him?

24 Q Why were the Mexican marines asking you to confirm if the
25 person in front of them was the defendant?

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1 A The marines at that time did not have a lot of history
2 working against the Sinaloa Cartel. They are mostly the Zetas
3 and Gulf Cartel. I was the one indebted to them with the
4 knowledge of what he looked like or what he would be like, the
5 history, the experience, the training. The marines were
6 relying on me to make that identification.

7 Q So what did you do?

8 A I -- at this moment I walked towards him. I believe he
9 was here -- from this gentleman -- far away on his knees, and
10 at that point I kind of froze myself and I said, holy, it is
11 him. And I said -- I took a moment and I looked at him and he
12 kind of looked at me, and I said eres tu, eres tu, Chapo.

13 Q What does that mean?

14 A It's you, it's you.

15 I said please stand him up, and at that point my
16 vehicle had been driven behind me, in the parking lot. As the
17 marines stood him up, I asked them please put him in the back,
18 and one of you marines drive him out.

19 Q Who else was present at that time with the defendant?

20 A Oh, yes. Two baby girls and his wife.

21 Q Which one?

22 A Emma Coronel.

23 Q I'm showing you what's in evidence as Government's
24 Exhibit 45.

25 Is that the person that was with him at Hotel

1 Miramar?

2 A Yes.

3 Q What happened after the defendant was placed in the car?

4 Where did you go?

5 A The marines relayed it via the radio to the admiral on
6 the base, in Topolobampo in Culiacan. He said, take him to
7 the nearest Semar base, which is two kilometers away.

8 Q Did you go there as well?

9 A Yes.

10 Q What happened when you arrived at the base?

11 A When we arrived at the base the marines took Mr. Guzman
12 Loera to process him. I walked around.

13 Q Did you stay in Mazatlan at that time?

14 A No.

15 Q Where did you go?

16 A I went back to Mexico City.

17 Q How did you get to Mexico City?

18 A On a Mexican marine Lehr jet.

19 Q Who was on that jet with you?

20 A Four marines, one admiral, myself, Mr. Guzman Loera, and
21 Condor.

22 Q I'm showing you what's in evidence as Government
23 Exhibit 63.

24 Who is that?

25 A Condor.

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1 Q Is that the person that was on --

2 A Yes.

3 Q -- the plane with you?

4 A Yes.

5 Q When you arrived in Mexico City was that the last time
6 that you saw the defendant, aside from when you saw him
7 yesterday?

8 A Yes.

9 Q When did you leave Mexico?

10 A July of 2014.

11 Q From this capture operation in February of 2014 until
12 July of 2014, did you have any further involvement in the
13 investigation of the defendant?

14 A No.

15 MS. GOLDBARG: Can I have a moment, Your Honor?

16 THE COURT: Yes.

17 (Pause.)

18 MS. GOLDBARG: No further questions, Your Honor.

19 THE COURT: Mr. Balarezo, do you want a break or do
20 you want to start now?

21 MR. BALAREZO: I think I need a break.

22 THE COURT: We will take our morning break, ladies
23 and gentlemen, and reconvene at five after 11:00.

24 Please don't talk about the case.

25 (Jury exits.)

1 THE COURT: Okay. Recess 15 minutes.

2 (Recess.)

3 THE CLERK: All rise.

4 THE COURT: Please bring in the jury.

5 (Jury enters.)

6 THE COURT: Everyone be seated. Cross-examination,
7 Mr. Balarezo.

8 MR. BALAREZO: Thanks, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. BALAREZO:

11 Q Good morning, agent. How are you?

12 A Good morning, sir.

13 Q I want to go back to yesterday a little bit. You
14 testified that as part of this operation when you went into
15 Mexico or -- strike that.

16 You had three targets, correct, when you started
17 searching?

18 A Top three, yes.

19 Q Well, the three that you talked about were Mayo Zambada,
20 correct?

21 A Yes, sir.

22 Q You talked about Mr. Guzman?

23 A Yes, sir.

24 Q And the other person you talked about was somebody named,
25 I think you said RCQ, Rafael Caro Quintero?

1 A Rafael Caro Quintero.

2 Q Also known as RCQ?

3 A Yes, sir.

4 Q Yesterday you also talked about how a DEA agent had been
5 killed in Mexico; is that correct?

6 A Yes, sir.

7 Q Now, that DEA agent that you are referring to is a DEA
8 agent by the name of Enrique Quique Camarena?

9 A Yes, sir.

10 Q As a matter of fact, his death happened back in 1985; is
11 that correct?

12 A Yes, sir.

13 Q He was in Mexico investigating narcotics trafficking; and
14 he got picked up, he got tortured, and died, correct?

15 A Yes, sir.

16 Q And the people that were arrested and eventually in
17 prison for that murder were a guy by the name of Ernesto
18 Fonseca, Don Neto?

19 A Yes, sir.

20 Q Another one was a guy by the name of Miguel Angel -- I
21 forgot his name -- Padrino?

22 A Felix Gallardo.

23 Q Felix Gallardo. I'm sorry. His padrino, correct?

24 A Yes.

25 Q The third guy was who?

1 A Rafael Caro Quintero.

2 Q Rafael Caro Quintero had been in prison, as you said, I
3 think, for 25 years?

4 A Twenty-eight.

5 Q Twenty-eight, and then a Mexican court released him; is
6 that correct?

7 A Yes, sir.

8 Q And the Mexican court released him prior to your
9 including him in that top three target list, correct?

10 A Yes, sir.

11 Q All right. Now, the murder of that DEA agent, of course,
12 had nothing to do with this man, right, with Joaquin Guzman,
13 right?

14 A That's correct, sir.

15 Q So to your knowledge that's the only DEA agent that's
16 been killed in Mexico, correct?

17 A In that way, yes.

18 Q Tortured?

19 A Yes.

20 Q For days, right?

21 A Yes, sir.

22 Q You know the story?

23 A Yes, sir.

24 Q Again, nothing to do with Chapo, correct?

25 A That's correct, sir.

1 Q Now, yesterday you also talked about the first raid that
2 you did and how you set up for that particular raid.

3 What you said was that you had decided to partner
4 with the Mexican marines; is that right?

5 A Yes, sir.

6 Q And I believe you decided to partner with the Mexican
7 marines because, according to you, you couldn't trust the --
8 hell, most of the rest of the Mexican outfit, right?

9 You couldn't trust the local police?

10 A I couldn't trust the local police or state police.

11 Q Or the state police.

12 And there was some politicians perhaps that were
13 also suspect, right, that may not need to know about your
14 operations?

15 A I don't think I mentioned any politicians.

16 Q I'm asking you.

17 A I don't deal with politicians.

18 Q Well, your operation was closely held, right?

19 A Yes, sir.

20 Q Meaning that you tried to keep it within a tight little
21 group?

22 A Yes, sir.

23 Q Correct, because you don't want the information filtering
24 out somewhere so that perhaps people know that you are coming?

25 A That's correct.

1 Q All right. So now, when you set up your operation in --
2 was it La Paz?

3 A La Paz, yes.

4 Q And in Baja, California, you were there for about 30
5 days, I think you said.

6 A Roughly, approximately 30 days.

7 Q I mean you are not vacationing in Baja, California; you
8 are working?

9 A Yes, sir.

10 Q And you are obtaining information?

11 A Yes, sir.

12 Q You have to -- not me -- you -- you have to speak it for
13 the reporter.

14 A Yes, sir.

15 Q So you are getting information and you are getting
16 information from different sources, correct?

17 A Yes, sir.

18 Q Maybe some live sources, cooperators, informants, that
19 kind of thing?

20 A Yes, sir.

21 Q You also getting some information and intelligence from
22 electronic sources, that kind of thing, right?

23 MS. GOLDBARG: Objection, Your Honor.

24 THE COURT: I'm going to allow it a little bit.

25 A Yes, sir.

1 Q I mean this wasn't just boots on the ground, let's go
2 door to door looking for Mayo Zambada, for that first raid,
3 right?

4 A That's correct.

5 Q In fact, you had drones up in the air?

6 MS. GOLDBARG: Objection, Your Honor.

7 THE COURT: Sustained.

8 Q You had a fair amount of information when you decided we
9 are going to hit that ranch outside of Culiacan and capture
10 Mayo Zambada; is that right?

11 MS. GOLDBARG: Objection, Your Honor.

12 THE COURT: Overruled.

13 A Yes, sir.

14 Q Because otherwise you figure it takes you a while to get
15 the information, number one, right?

16 A Some of it, yes.

17 Q And you don't want to keep going because you want to get
18 it on that first shot; is that right?

19 A Yeah. It's very important that you have the best
20 available information to make that first move.

21 Q So the point is, when you made that first move you felt
22 that you had sufficient, valid, and current information in
23 order to make that first move?

24 A Yes, sir.

25 Q Now, given that Mayo Zambada was the first -- strike that

1 for a second.

2 MR. BALAREZO: I would like to show the witness
3 Exhibit number 457. Do you see -- can you go to 457.

4 MS. GOLDBARG: No objection.

5 MR. BALAREZO: I move 457 into evidence, Your Honor.

6 THE COURT: Any objection?

7 MS. GOLDBARG: No, Your Honor.

8 THE COURT: Received.

9 (Defense Exhibit 457, was received in evidence.)

10 Q You were shown this earlier.

11 The gentleman on left was Rafael Caro Quintero,
12 correct?

13 A Yes.

14 Q The one that was in prison for the murder of that DEA
15 agent?

16 A Yes, sir.

17 Q And the gentleman on the right, that I'm pointing out
18 now, is Mayo Zambada, correct?

19 A That's correct, sir.

20 Q So now, when you decide -- strike that.

21 As part of this operation you said you had about
22 40 -- how many men did you have?

23 A At what point, sir?

24 Q When you decide we are going to go into that ranch in
25 Sinaloa and we are going to try to capture Mayo, how many

1 bodies, let's say, did you have working on that particular
2 operation?

3 A Roughly 40, 45 bodies left La Paz, and four helicopters,
4 towards Culiacan.

5 Q So you had about ten marines per helicopter, or
6 thereabouts?

7 A More about, yeah.

8 Q Well, four times ten is -- maybe some had more, some had
9 less?

10 A Correct.

11 Q All right. So you had these 40 guys, and they all
12 weren't -- they were not all Mexican, correct?

13 MS. GOLDBARG: Objection, Your Honor.

14 THE COURT: Sustained.

15 Q Well, you weren't the only DEA agent in that group of 40
16 people, were you?

17 A I was.

18 Q The only one?

19 A Yes, sir.

20 Q Okay. And you were there as an observer?

21 A No.

22 Q You were there to participate in the raid, correct?

23 A To advise, provide information.

24 Q Were you armed?

25 MS. GOLDBARG: Objection, Your Honor.

1 THE COURT: Sustained.

2 Q Well, if you were shot at, you would have shot back,
3 correct?

4 MS. GOLDBARG: Objection, Your Honor.

5 THE COURT: Sustained.

6 MR. BALAREZO: Can I have a sidebar, Your Honor?

7 THE COURT: Sure.

8 (Continued on the next page.)

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1 (Sidebar conference.)

2 MR. BALAREZO: I just want to make sure I'm not
3 stepping on something I shouldn't have.

4 THE COURT: I think you are close, and the question
5 is why. What are you trying to elicit?

6 MR. BALAREZO: Well, my understanding is -- and I
7 believe either this -- not this agent. Another agent
8 testified that United States law enforcement have no role in
9 Mexico as a law enforcement type of agent.

10 This witness, as far as I'm aware, not only from
11 what he has testified but from what I know, was heavily
12 involved in the investigation. He was armed, he was involved
13 in the raids themselves. So he is in fact acting as a law
14 enforcement agent.

15 He is acting outside the scope of his authority in
16 Mexico; and I think it goes both to his bias and it goes to
17 his credibility, if he is going to say no. I'm not interested
18 in the means and methods and, you know, they had five drones
19 and this and that. I think that's fair game.

20 MS. GOLDBARG: I think he is mischaracterizing the
21 testimony of the prior law enforcement witness who testified.

22 MR. BALAREZO: That was my recollection.

23 MS. GOLDBARG: No. Again, you know, whether or not
24 he is acting, in what capacity he is acting as an adviser with
25 the Mexican, he already testified to.

1 MR. BALAREZO: I don't believe that's correct. I'm
2 sorry. I didn't mean to interrupt you.

3 MS. GOLDBARG: Go ahead.

4 THE COURT: What's the difference if it is correct
5 or not?

6 MR. BALAREZO: He is trying to shade, number one,
7 his testimony, which goes to his credibility as a witness.

8 THE COURT: What's he trying --

9 MR. BALAREZO: To hide his actual role in the
10 matter.

11 THE COURT: Why would he try to do that?

12 MR. BALAREZO: That's what I'm trying to get to.

13 THE COURT: Give me a theory how it would help the
14 government's case, help him personally, to diminish his role.
15 How would that work?

16 MR. BALAREZO: Because, Your Honor, they made a big
17 deal out of this. It is a see-more operation. These are the
18 best marines. These are the marines who are not bribed.
19 These are the ones we can trust.

20 Then this guy and the other operations, they are an
21 integral part. It's a credibility issue. It's a credibility
22 issue of the witness on the stand.

23 MS. GOLDBARG: I would like to respond, Your Honor.
24 I don't believe it's a credibility issue with this witness
25 because he has testified of his specific involvement in this

1 operation. We see the videos. He has described everything
2 that he has done.

3 The issues that the defense counsel wants it get
4 into are collateral to his testimony. They don't go to his
5 credibility. I don't know if there is any good-faith basis
6 for him to inquire that he is doing something that he is not
7 authorized to do, and it becomes a 403 issue.

8 THE COURT: What's the point if he is armed or not
9 armed? How does that affect his credibility?

10 MR. BALAREZO: The fact that he is armed or not
11 armed is not the issue of his credibility.

12 THE COURT: That's what you asked.

13 MR. BALAREZO: It goes to his testimony in this
14 case, which he just repeated to me, which is to say he was
15 just an adviser to give information. He is not that. He is
16 fully participating. Again, if he is shading the truth that
17 clearly goes to credibility.

18 THE COURT: If it's material, but I'm trying to
19 figure out why would it be material if he had a greater role
20 than he is saying. He is on the ground. He is describing
21 everything he did.

22 What does it matter if in fact he was calling more
23 shots than he testified to? How does that -- why would he
24 deemphasize that for some reason, in a way that would cause
25 the jury to believe him less? I'm just not seeing materiality

1 here.

2 I'm going to sustain the objection.

3 MR. BALAREZO: Thank you.

4 (End of sidebar conference.)

5 (Continued on the next page.)

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1 (In open court.)

2 MR. BALAREZO: If I could just have one second, Your
3 Honor?

4 THE COURT: Sure.

5 (Pause.)

6 BY MR. BALAREZO:

7 Q Let me show you Government Exhibit 219-10, which is in
8 evidence.

9 Is that you, sir?

10 A Yes, sir.

11 Q Okay. You are wearing a camouflage uniform?

12 A Yes, sir.

13 Q And what is this item here, here in your hand? Can you
14 see it?

15 A Yes, sir.

16 Q What is that?

17 A That's a assault rifle.

18 Q You are wearing basically full military gear, correct?

19 A Yes, sir.

20 Q Embedded with the Mexican marines?

21 A Yes, sir.

22 Q Now, before, as part of your -- as part of your evidence
23 gathering -- well, actually, strike that.

24 You testified that you were there in an advisory
25 capacity, correct?

1 A Yes, sir.

2 Q To give intelligence?

3 A Yes, sir.

4 Q Nothing else?

5 A Guidance, historical information, up-to-the-minute
6 information from domestic offices, experience.

7 Q Anything else?

8 A No.

9 Q Why were you carrying an assault weapon?

10 MS. GOLDBARG: Objection.

11 THE COURT: Overruled.

12 A Protection.

13 Q I'm sorry?

14 A Protection.

15 Q What does that mean, if I could --

16 A That means, like I stated yesterday, I'm in the same
17 Culiacan, controlled by the Sinaloa Cartel. I need protection
18 in case members of the cartel come and attack the marines.
19 I'm in there with a hundred marines, yes, well trained,
20 trusted marines. Still, 100 marines is still not enough for
21 that state.

22 Q Did you have law enforcement authority in Mexico?

23 MS. GOLDBARG: Objection.

24 THE COURT: Sustained.

25 Q Now, before you went on this raid to the ranch outside of

1 Culiacaⁿ, you obtained a lot of information on Mayo Zambada, I
2 think we said a little earlier, right, which led you to
3 believe that you had sufficient information to go in, right?

4 A Yes, sir.

5 Q And you knew that Mayo Zambada was considered the leader
6 of the Sinaloa Cartel, correct?

7 A One of the leaders, yes.

8 Q You know that he was -- you would consider him a
9 dangerous person, correct?

10 A Consider him a dangerous person?

11 Q Yes.

12 A Yes, sir.

13 Q That you needed to protect yourself with that assault
14 rifle, sufficiently, right?

15 MS. GOLDBARG: Objection, Your Honor.

16 THE COURT: Overruled.

17 A Yes, sir.

18 Q His men were dangerous men?

19 A Yes, sir.

20 Q You know that because you had that fear about the local
21 police and the state police, you know that -- you knew at that
22 time that Mayo Zambada was capable and had bribed local and
23 state police, correct?

24 A Information of that sort, yes.

25 Q So you knew who you were dealing with, right?

1 A Yes, sir.

2 MR. BALAREZO: Your Honor, the government, maybe
3 they can assist us. We are having some technical difficulties
4 with the video of the helicopter ride.

5 (Continued on the next page.)

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1 MR. BALAREZO: Your Honor, if I could ask what
2 exhibit number is that? I'm sorry.

3 MS. GOLDBARG: Government 219-22.

4 MR. BALAREZO: Government's 219-22.

5 THE COURTROOM DEPUTY: Just a moment.

6 (Pause in proceedings.)

7 BY MR. BALAREZO:

8 Q So this is when you decided to leave La Paz in the four
9 Black Hawk helicopters, right?

10 A Yes, sir.

11 Q With 40 Marines or 39 Marines and you?

12 A Forty, forty-five.

13 Q Okay. And, of course, they were all holding arms, right?

14 A Yes, sir.

15 Q And you guys were flying, if I remember correctly; it was
16 daytime?

17 A It was starting to get sunset.

18 Q All right. And you could see the ground, right?

19 A I could see the ground, yes.

20 Q And presumably the ground could see you guys, right; you
21 weren't flying that high?

22 A No. When we made land, we were not that high.

23 Q Right.

24 MR. BALAREZO: Is the video ready?

25 Q And about what time was that?

1 A Leaving La Paz or getting to Culiacan?

2 MR. BALAREZO: I think it's almost ready, I hope.

3 (Pause in proceedings.)

4 Q So you're flying, what, maybe a couple hundred feet up in
5 the air right now?

6 A Yes, sir.

7 Q All right. And I think we can see one gentleman with a
8 weapon looking out the window there, out the side door?

9 A Yes, sir.

10 Q All right. And I think you testified that part of what
11 you were doing was looking to see if there were any people
12 that might warn Mayo Zambada, for example, that you guys were
13 on the way, right?

14 A Lookouts, yes, sir.

15 Q Lookouts. Because four Black Hawks flying through
16 Sinaloa is kind of suspicious to someone who is involved in
17 that business, correct?

18 MS. GOLDBARG: Objection.

19 THE COURT: Overruled.

20 Q And the entire time if --

21 MR. BALAREZO: One second.

22 If you could pause it right there.

23 Q Do you see that middle window that's in the video where
24 it's paused and there's two vehicles that are on that road?

25 A Yes, sir.

1 Q All right. You said that you thought that might have
2 been some of the scouts or the lookouts?

3 A No. I said we were looking out for any suspicious
4 activity from the vehicle and people standing pointing at the
5 Black Hawks.

6 Q All right. And from what we could tell, there were no --
7 nobody standing on the back of the trucks with a long weapon
8 that could shoot down a helicopter or anything, were we?

9 A No, sir.

10 Q No one took a shot at any of the helicopters, to your
11 knowledge?

12 A No, sir.

13 Q And, in fact, those were really -- in the videos that
14 we've seen, those were the only two vehicles that were on the
15 road at that time, right?

16 A I'm not sure, but it could be so.

17 Q We can play the rest.

18 A Yeah.

19 Q I think it's a fairly short video.

20 A Okay.

21 (Video plays.)

22 Q And it appears that you're -- the helicopters are now
23 getting lower, about to land, correct?

24 A Yes, sir.

25 Q So you're definitely visible from the ground?

1 A Yes, sir.

2 Q And since we don't have the volume on, I think you just
3 testified that the helicopters were pretty loud?

4 A Yes, sir.

5 Q And your knowledge of the military, given the height that
6 you are, you probably could be heard from the ground too,
7 correct?

8 A Yes. Yes, sir.

9 MR. BALAREZO: That's fine. Thank you.

10 Q Now, after this particular -- after you landed, you said
11 that the ranch was outside of Culiacan, correct?

12 A Yes, sir.

13 Q Okay. Approximately how far from the house that you
14 eventually raided did the helicopters land?

15 A Like, walking distance, maybe football field away.

16 Q All right. Fairly close, right?

17 A Yes, sir.

18 Q And as you are landing there was nobody there with
19 weapons shooting at you, correct?

20 A No, sir.

21 Q There was no -- no trucks leaving at a high rate of speed
22 because, you know --

23 A Not when we arrived, no, sir.

24 Q All right. Nothing going on, correct?

25 A Not the activity, no.

1 Q All right. And when you went in the house, in fact, you
2 didn't meet any resistance either?

3 A No, sir.

4 Q And when you went in the house, there was only one person
5 there, right, a caretaker, I believe you called him?

6 A No, he wasn't in the house.

7 Q Well, he was in another -- like a caretaker's house?

8 A Him and his family and there's other people.

9 Q He was like the old guy in the rocking chair at the end
10 of the video, right?

11 A The caretaker, yes, sir.

12 Q The caretaker.

13 Now, in that particular house although you had had
14 sufficient information in your mind to justify the raid, you
15 didn't find Mayo Zambada in that house, did you?

16 A That's correct.

17 Q And you didn't find drugs, guns, anything of that nature,
18 correct?

19 A Yes, we did.

20 Q You did. In that particular house what did you find?

21 A In that property.

22 Q On the property. I'm talking about the house. And then
23 we'll talk about --

24 A Not in the house, sir. I'm sorry.

25 Q Now, on the property, what did you find?

1 A Big blue plastic barrels --

2 Q Okay.

3 A -- buried underground.

4 Q Okay.

5 A Full of long guns, assault weapons.

6 Q Okay. And how many assault weapons did you find?

7 A Over a hundred.

8 Q A hundred assault weapons?

9 A Yes, sir.

10 Q In the house that Mayo Zambada --

11 A In the property.

12 Q In the property, okay.

13 A Uh-huh, the big property.

14 Q We got it.

15 But the property you believe to be Mayo Zambada's
16 property, correct?

17 A Yes, sir.

18 Q Okay. Did you find anything else besides the hundred or
19 so assault rifles?

20 A No.

21 Q Drugs?

22 A No drugs, sir.

23 Q All right. Anything else?

24 A An individual hiding in the bushes.

25 Q Okay. And that wasn't Mayo, was it?

1 A No, sir.

2 Q Okay.

3 And I forget, were you shown a picture of that big
4 blue tarp with the hundred assault rifles on your direct
5 examination?

6 A No, sir.

7 Q Now, would it be -- would it be accurate to say that you
8 were disappointed at the results of that raid?

9 A I wouldn't say I was disappointed because we were just
10 starting, so you know...

11 Q Right. Well, you wanted --

12 A Yeah, I wanted him to be there --

13 Q Right.

14 A -- and capture him, absolutely --

15 Q Yeah.

16 A -- but it wasn't like, they, Oh, shucks, let's go home.

17 Q Well, right. You went home after two days, right?

18 A Well, we didn't go home. We went -- we continued.

19 Q Right. But did you look for Mayo for two days?

20 A For those two days, and then --

21 Q We'll get to the others after. But for those two days,
22 you were looking for Mayo, right?

23 A Or his associates.

24 Q You didn't find him?

25 A Yes.

1 Q Yes, you did find him; or yes, you did not find him?

2 A Yes, we did find associates.

3 Q Okay. And you arrested them?

4 A They were detained.

5 Q Okay. And did they tell you where Mayo was?

6 A They told us -- well, during the interview they told the
7 Marines where they last saw him.

8 Q Okay.

9 A Yes.

10 Q Did they tell you which house number they were at or
11 which number house they were at?

12 A Well, they don't have house numbers --

13 Q Okay.

14 A -- on the Mayo side.

15 Q There's a different operation?

16 MS. GOLDBARG: Objection.

17 THE COURT: Sustained.

18 Q Well, what do you mean on the Mayo side?

19 MS. GOLDBARG: Objection.

20 THE COURT: Overruled.

21 A On his security they don't use numbers to identify the
22 locations.

23 Q All right. But bottom line is, even though you arrested
24 some of these people and they gave you some information,
25 you weren't able to capture Mayo, right?

1 A That's correct, sir.

2 Q And to your knowledge as you sit here today, do you know
3 if he has been captured?

4 A No, he has not.

5 Q Now, with respect to -- when was that search again?

6 A February 13th, 2014.

7 Q Were you aware that Mayo Zambada's son, Vicente Zambada
8 Niebla, at that time was in U.S. custody?

9 MS. GOLDBARG: Objection.

10 THE COURT: Overruled.

11 A Yes, sir.

12 Q And were you aware that Vicente Zambada Niebla had been
13 in contact with his father?

14 MS. GOLDBARG: Objection, Your Honor.

15 THE COURT: Overruled.

16 A I was not aware of that.

17 Q The Government never told you that or your intelligence
18 people didn't tell you that?

19 MS. GOLDBARG: Objection, Your Honor.

20 THE COURT: Sustained.

21 Q You were not aware?

22 MS. GOLDBARG: Objection.

23 THE COURT: Sustained.

24 Q Were you aware that his lawyers, that Vicente's lawyers
25 were visiting Mayo Zambada regularly?

1 MS. GOLDBARG: Objection.

2 THE COURT: Sustained.

3 Q Were aware that two other sons of Mayo Zambada were in
4 custody?

5 A I was aware --

6 Q Serafin being one of them?

7 A I was aware that Serafin was arrested at the Nogales port
8 of entry.

9 Q All right. And Mayito Gordo?

10 A Was not in custody yet.

11 Q Okay. So you knew that at least two sons were in U.S.
12 custody?

13 A Yes, sir.

14 Q Okay.

15 Are you aware of whether or not you or your team
16 ever sought to interview them?

17 MS. GOLDBARG: Objection.

18 THE COURT: Sustained.

19 Q Now, let's talk about the -- what you did after those two
20 days when you -- well, strike that.

21 Let me go back to the house where you thought Mayo
22 might be. There were no -- you called it signs of presence
23 or --

24 A Yes, sir.

25 Q Is that the term?

1 And that means basically when you go into a house to
2 raid it, you're looking at any information that would let you
3 know whether or not a person was there, right?

4 A Yes, sir.

5 Q For example, not to be funny, sometimes the toilets are
6 unflushed, right, food on the table?

7 A Yes, sir.

8 Q Clothes, right?

9 A Yes, sir.

10 Q Nike sneakers, you know, that kind of stuff?

11 MS. GOLDBARG: Objection.

12 A Yes.

13 Q Okay. And you didn't find any of that proof of presence
14 of Mayo Zambada in that house, correct?

15 A Yes, we did.

16 Q Did you find any clothing of his?

17 A Yes, in the --

18 Q I'm sorry?

19 A Some in the cupboards, uh-huh.

20 Q What did you find?

21 A Hats.

22 Q Okay. What kind of hat, baseball hat?

23 A Baseball hats, yeah.

24 Q Now let's talk about what you did afterwards. You and
25 the Marines continued. You testified that Chapo popped up or

1 I don't remember the term you used but...

2 A Well, Mayo Zambada jumped, that's where we --

3 Q Jumped first.

4 A -- went first, and then after that we decided to go after
5 Mr. Guzman Loera.

6 Q Right. Did he jump?

7 A Not the way I wanted him to jump, but we had information
8 that we --

9 Q But he jumped?

10 A But he jumped.

11 Q All right. So you got -- you started tracking some of
12 the people here, correct?

13 A Yes, sir.

14 Q And you were able to make contact with -- with Nariz, the
15 first one that you captured?

16 A For Mr. Guzman?

17 Q Yes. We're done with Mayo Zambada for right now.

18 A Yes, sir.

19 Q Okay. And he's the gentleman that eventually told you
20 where he expected or -- well, not where -- strike that.

21 He told you where Guzman was, in House Number 5,
22 correct?

23 A Yes, sir.

24 Q And then he went and showed you that red bottomed bathtub
25 that we saw a couple pictures of, showed you how to open it

1 and do all that stuff, right?

2 A Yes, he showed us how to open the bathtub.

3 Q Right. And now did you have any reason to not believe
4 what Mr. Nariz was saying about, you know, Chapo is at
5 House Number 5, Number 2, whatever it was?

6 A Originally, yes, when he told me he was at the three.

7 Q He was at the three, right?

8 A No, he was at the five.

9 Q At the five. But after that he went to the five?

10 A Yes, sir.

11 Q That's the one where you went, you drove down the street,
12 you hit the clicker and the garage door opened, correct?

13 A Yes, sir.

14 Q Now, when you went in that house, Chapo wasn't there,
15 correct?

16 A No, sir.

17 Q Okay. You went through five houses that your
18 intelligence and your experience and information told you
19 Chapo might be at, correct?

20 A We went there because Nariz took us there. And it helped
21 that we had intelligence that kind of put our locations in
22 place.

23 Q Right. You had some signals, intelligence, that kind of
24 stuff, right? Not a secret.

25 MS. GOLDBARG: I'm sorry. Objection.

1 Q Can you answer or no?

2 THE COURT: You need to answer his question.

3 Some of your questions do not sound like questions,
4 Mr. Balarezo.

5 MR. BALAREZO: Oh, I apologize.

6 THE COURT: That's why he's not answering.

7 Q Well, you just didn't have Nariz; you had other
8 information that Chapo Guzman was there, correct?

9 A Yes, the foreign intercepts.

10 Q Foreign intercepts?

11 A Yes, sir.

12 Q Signals and intelligence, I think?

13 MS. GOLDBARG: Objection.

14 THE COURT: Overruled.

15 A Intercepts of conversations on connected wires, yes.

16 Q Right.

17 So in none of these houses that you have Nariz
18 taking you to, that you have this -- this -- domestic wires
19 and whatnot, in any of those wires does Joaquin Guzman jump up
20 so you can capture him, right? I'm talking about the five
21 houses first.

22 A The first one.

23 Q I'm sorry?

24 A The first one.

25 Q Okay. What was at the first one?

1 A Well, that afternoon when we went into Culiacan, we
2 failed to catch him.

3 Q Uh-huh. Did you see him?

4 A No, sir.

5 Q Did any of the Marines see him running down the tunnel?

6 A I'm talking about before even Nariz.

7 Q Okay.

8 A So, no, we didn't see him.

9 Q All right. Well, I'm focusing -- right now let's just
10 focus on the five houses --

11 A Okay.

12 Q -- that we talked about, all right?

13 A Uh-huh.

14 Q Did anyone see Mr. Guzman in those houses, any of the
15 Marines or you?

16 A The ones that Nariz took us to?

17 Q Uh-huh. The five homes.

18 A Okay. The --

19 Q Let me stop you for a second.

20 A I'm sorry.

21 MR. BALAREZO: If we could have these -- these are
22 all in evidence: 219-2, 219-3, 219-4, 219-5, and 219-6.

23 Q Are you with me?

24 A Yes, sir.

25 Q All right. And these five houses -- you went through all

1 of these houses, first of all?

2 A Yes, sir.

3 Q Right.

4 Based on your intelligence and on your conversations
5 with Nariz, correct?

6 A Yes.

7 Q All right. My question is, was Mr. Guzman at any one of
8 these homes?

9 A Never saw him there.

10 Q Okay. Did any of the Marines see him there?

11 A They heard him.

12 Q They heard him. Did they hear him talking?

13 A They heard him yelling in the tunnel.

14 Q All right. And any of the Marines, were they familiar
15 with Chapo Guzman's voice to say, Hey, I hear a guy yelling in
16 the tunnel, that's Chapo? No, right?

17 A You're correct, sir.

18 Q All right. So you're testifying as if Chapo Guzman was
19 in those tunnels running based on what some Marine said he may
20 have heard, correct?

21 A No. I'm testifying on what Nariz said.

22 Q And Nariz was outside with you, correct?

23 A Yes, sir.

24 Q And when this person was running through the tunnels,
25 Nariz wasn't in the tunnel, was he?

1 A No, sir.

2 Q Okay.

3 Now, as to each of these homes that I have, and
4 there's one of them on the screen, it's accurate to say that
5 when you guys rode up to them, I mean, you didn't just ride up
6 with sirens blaring and all that stuff and run in; is that
7 correct?

8 A That's correct, sir.

9 Q Okay. You were trying to be surreptitious, meaning you
10 were trying to a little sneaky so that if anyone was there
11 they're not going to -- you know, they're not going to fight
12 you; they're not going to run away, that kind of thing, right?

13 A Yes, sir.

14 Q Now, how close in distance were you to these houses to
15 each other; were they like next door to each other, you know,
16 a mile away?

17 A Some were close. Some were not.

18 Q Well, what's close?

19 A Maybe half a mile away from each other, maybe less or
20 more --

21 Q Well, let me ask you this --

22 A -- throughout the city.

23 Q I'm sorry.

24 MR. BALAREZO: I don't know if she's objecting or
25 not, Your Honor.

1 THE COURT: I didn't hear an objection.

2 MR. BALAREZO: All right.

3 Q How close -- how close just as -- how close were the two
4 closest houses?

5 A Half a mile away.

6 Q Half a mile. And --

7 MR. BALAREZO: Should we take a break, Your Honor?

8 MS. GOLDBARG: I'm fine.

9 THE COURT: Just ask, Ms. Goldbarg, if you need to.

10 MS. GOLDBARG: I will, Your Honor. Thank you,
11 though.

12 Q So these houses are sort of spread through the city,
13 right?

14 A Yes, sir.

15 Q And as you're driving around going through each of these
16 homes, you didn't encounter any resistance, right? You didn't
17 say anything on direct.

18 A No.

19 Q Correct?

20 A That's correct.

21 Q All right. You did encounter -- well, strike that.

22 You're familiar with -- in the business you are in,
23 you're familiar with the security methods that some people may
24 use, correct?

25 A Yes, sir.

1 Q Bodyguards?

2 A Yes, sir.

3 Q Rings of security, you've heard that before, right?

4 A Yes, sir.

5 Q There's usually like an outer ring that's looking out
6 generally, then as it gets closer, it's gets a little --
7 right? You know what I'm talking about, right?

8 A Looking out. You said it, yeah.

9 Q Yeah, they're looking out?

10 A Yes.

11 Q Well, as to any of these homes, you didn't encounter any
12 of those rings of security, did you?

13 A Not at that time in the moment, no.

14 Q Well, at the time in the moment that's when you're going
15 into the house, right?

16 A That's correct.

17 Q There was no outer ring, no middle ring, no inner ring,
18 right?

19 A That's correct.

20 Q You don't encounter -- you know what a pistolero is,
21 right?

22 A Yes, sir.

23 Q What's a pistolero?

24 A It's a gunman.

25 Q And what's a sicario?

1 A A hit man.

2 Q All right. Did you encounter any pistoleros, sicarios as
3 you were going into these five homes?

4 A No, sir.

5 Q Not one, right?

6 A No, sir.

7 Q Now, in one of the homes -- in one of the homes you
8 indicated there were some weapons found, correct?

9 A Yes, sir.

10 Q And what types of weapons were those?

11 A Handguns, grenades, RPG's.

12 Q And in that same home was that where those drugs were
13 found?

14 A I believe that's the home, yes, sir.

15 Q Okay. And do you remember which one it was, Number 3, 1,
16 2, 3, 4?

17 A It was the fourth one.

18 Q It doesn't matter. One of those five homes these things
19 were found, correct?

20 A Yes, sir.

21 Q And I think you also testified one of the handguns, was
22 there one of them that was special that day?

23 A Yes, sir.

24 Q And what was so special about that handgun?

25 A It was with initials JGL.

1 Q All right. And a wild guess, what would that be?

2 A Joaquin Guzman Loera.

3 Q Right. And so in your mind, that led you to believe that
4 Joaquin Guzman Loera had been in that house, correct?

5 A Yes, sir.

6 Q That was one of those signs of life or presence or
7 whatever?

8 A Yes, sir.

9 Q Okay. Now, when was the last time you saw that weapon,
10 the one with the JGL on it?

11 A That morning.

12 Q That morning, during the raids?

13 A When I took the video, yes, sir.

14 Q All right. That was 14th, so we're almost five years
15 later.

16 Have you seen that weapon since?

17 A Just on photos.

18 Q Pictures?

19 A Yes, sir.

20 Q On the Internet --

21 A Yes, sir.

22 Q -- right?

23 Have you seen the actual gun?

24 A Since then, no.

25 Q Okay. You know this trial's been going on since early

1 November --

2 A Yes, sir.

3 Q -- right?

4 And you know that the Government has presented
5 evidence of weapons and that kind of stuff, right?

6 MS. GOLDBARG: Objection, Your Honor.

7 THE COURT: Sustained.

8 Q Well, in -- in a trial -- this is not the first time
9 you've testified in a trial, right?

10 A It is, sir.

11 Q It is? Oh, wow. You just saved ten minutes.

12 Well, let's check -- let me say this: If in those
13 raids you had found 39 or 40 AK-47's, it's a great idea to
14 bring those AK-47's and put them right here in front of the
15 jury so they can see them, right?

16 MS. GOLDBARG: Objection, Your Honor.

17 Q Don't you think?

18 THE COURT: Sustained.

19 Q Or what they -- rocket-propelled grenades?

20 MS. GOLDBARG: Objection, Your Honor.

21 THE COURT: Sustained.

22 Q Have you had a case where weapons were seized and were
23 not presented in court?

24 MS. GOLDBARG: Objection.

25 THE COURT: Sustained.

1 Q So do you know where that weapon is now?

2 A No, sir.

3 Q Do you know if the Government knows where that weapon is?

4 MS. GOLDBARG: Objection.

5 THE COURT: Sustained.

6 Q Now, with respect to those homes, are you aware if any of
7 those homes have been linked to Chapo Guzman, either through
8 property records or familial records or anything of that
9 nature? And I'm not talking about what Nariz said or --
10 any -- anything that's sort of indisputable?

11 MS. GOLDBARG: Objection.

12 THE COURT: Overruled.

13 A Never seen any records for the residence, no.

14 Q Now if that particular -- well, in one of those homes
15 because -- I don't even know which one.

16 MR. BALAREZO: If I could have the Elmo, please.

17 Q In one of these homes you said that this item was --
18 whatever it is that's depicted in this Exhibit Number 219-15,
19 it was located, correct?

20 A Yes, sir.

21 Q And what you're telling -- what you told the jury is that
22 I believe these two gentlemen here are Mr. Guzman's sons?

23 A Yes, sir.

24 Q And you identified one as Ovidio and you identified the
25 other one as?

1 A Joaquin.

2 Q Okay. Have you ever met them?

3 A No, sir.

4 Q Okay. So you just looked at them and said that's his
5 son?

6 A No, no.

7 Q Well, you haven't met them, correct?

8 A That's correct, sir.

9 Q You showed it to somebody and they said that's Joaquin
10 and that's Ovidio?

11 A I've seen pictures of them before.

12 Q Okay.

13 MS. GOLDBARG: Okay.

14 Q So you're identifying this -- these two pictures here,
15 the ones I'm pointing at that you say are Mr. Guzman's sons
16 based on other pictures that you've seen before, correct?

17 A Yes, sir.

18 Q That's what you're saying, right?

19 And I'm going to have to bring it up to you.

20 This -- this young lady here, do you see that?

21 A Yes, sir, I can see it.

22 Q And what does that say in Spanish?

23 A I can't see the word.

24 MR. BALAREZO: Your Honor, may I approach the
25 witness, it might be easier.

1 THE COURT: Sure.

2 MR. BALAREZO: Give him a copy of the original.

3 Q Right here. I'll give you a hint.

4 A Sus Reinas.

5 Q You speak Spanish, what does Sus Reinas mean?

6 A Your Queen.

7 Q Your Queen?

8 A Yes, sir.

9 Q Okay. Now that's not Mr. Guzman's Reina, is it?

10 MS. GOLDBARG: Objection.

11 THE COURT: Sustained.

12 Q Well, you see Emma Guzman in the audience, correct?

13 Excuse me, Emma Coronel, right?

14 MS. GOLDBARG: Objection.

15 THE COURT: Sustained.

16 Q Well, the lady on this picture, where it says Your Queen,
17 that's not Emma Coronel, right?

18 MS. GOLDBARG: Objection.

19 THE COURT: Overruled.

20 A That's not her.

21 Q So there's another Reina somewhere out there, correct?

22 MS. GOLDBARG: Objection.

23 THE COURT: Sustained.

24 Q Now, let's talk a little bit about the Miramar operation.

25 A Yes, sir.

1 Q You eventually get to the Miramar Hotel and you have your
2 same team; is that correct -- or you have a team?

3 A Yeah, a small portion of my team, yes.

4 Q Okay.

5 A Or of the team.

6 Q And if you're going to the Miramar Hotel, once again you
7 didn't just ride in there lights blared and all that stuff,
8 you went in surreptitiously?

9 A Marines don't.

10 Q Don't have lights?

11 A Lights blared, yeah.

12 Q Were they making noise?

13 A No.

14 Q Okay. And hold that thought for a second.

15 When you were still going through those homes, the
16 five houses that we talked about?

17 A Yes, sir.

18 Q Do you remember when you guys were looking for Nariz?

19 A Okay, yeah.

20 Q You mentioned something about a party?

21 A Yes, sir.

22 Q Do you remember that?

23 A Uh-huh.

24 Q And you suspected that he had to be there because he was
25 celebrating something?

1 A Yes, sir.

2 Q All right. And, in fact, that party was not being held
3 in Nariz's house, correct?

4 A In the street.

5 Q That party was not being held at his house, correct,
6 because you got him in another house?

7 A It was a block party.

8 Q I understand block party. All right (indicating).

9 I'm talking about --

10 MS. GOLDBARG: Objection.

11 THE COURT: There's no question yet.

12 Q The -- all right, fine.

13 THE COURT: Do you need a moment?

14 MR. BALAREZO: I've got the giggles, Your Honor, I'm
15 sorry.

16 THE COURT: Go ahead, please.

17 Q So at some point you and the Marines lined up these guys,
18 correct?

19 A Yes, sir.

20 Q And basically have them standing there, right?

21 A Yes, sir.

22 Q Trying to get -- going through their pockets make sure
23 they don't have guns, show me your phones?

24 A Yes.

25 Q Had those guys done anything?

1 A No.

2 Q You lined them up against the wall and started patting
3 them, right?

4 A We asked them to line up and we asked them to see their
5 phones.

6 Q And you guys were like 40 heavily armed Marines and one
7 American?

8 A Mexican American.

9 Q I'm sorry?

10 A Mexican American.

11 Q I'm sorry, and one Mexican American?

12 A Yes, yes.

13 Q They really didn't have a choice, did they?

14 MS. GOLDBARG: Objection.

15 THE COURT: Sustained.

16 Q All right. Let's go back to the Miramar for a second.

17 So the Marines don't have the lights but you're
18 trying to get there surreptitiously -- cut through it, there
19 was no ring of security, correct? No outer perimeter, no
20 middle perimeter at the Miramar, correct?

21 A We observed those two patrol cars, yes.

22 Q We'll get to the patrol cars. But you didn't see any
23 pistoleros with AK-47's or rocket launchers or rocket
24 propelled grenades and long weapons that may knock down
25 helicopters, you didn't see any of that, right?

1 A No, sir.

2 Q Okay. And you didn't see any inner perimeter a block or
3 so away of sicarios or pistoleros, did you?

4 A That's correct.

5 Q And with respect to those two police cars that were
6 blocking the street, they were just sitting there facing each
7 other, right?

8 A Facing away.

9 Q Facing away from each other?

10 A Yes, sir.

11 Q Do you know if they were eating a doughnut or anything
12 what were they doing?

13 MS. GOLDBARG: Objection.

14 THE COURT: Sustained. Put the question properly.

15 Q Did you see what they were doing?

16 A They were sitting in the vehicle.

17 Q All right.

18 A Facing away.

19 Q And when they were asked to move they did what?

20 A They moved.

21 Q Right. And as far as you know they had nothing to do
22 with Chapo Guzman, right?

23 MS. GOLDBARG: Objection.

24 Q As far as you know?

25 THE COURT: Overruled.

1 A As far as I know.

2 Q All right. Now, eventually what floor was -- was
3 Mr. Guzman?

4 A The fourth floor, sir.

5 Q Fourth floor.

6 So given what you had -- those other five houses
7 that you basically said you believe were connected to
8 Mr. Guzman, a fourth floor hotel room in Mazatlan is a quite
9 different scenario; isn't that right?

10 A Yes, sir.

11 Q I mean, there's no -- I think you said yourself, it would
12 be hard to get the tube off and go down four floors, right?

13 A Yes, sir.

14 Q Okay. There wasn't even like a fire escape, was there?

15 A I don't know.

16 Q Was there like a sheet tied in knots out the window just
17 in case?

18 A I never say anything like that.

19 Q Nothing, right?

20 A No, sir.

21 Q Just a plain old hotel room in Mazatlan?

22 A Yes, sir.

23 Q I mean, the door wasn't armored, was it?

24 A I never saw the door.

25 Q You never went upstairs?

1 A No.

2 Q Are you sure?

3 A Yes.

4 MS. GOLDBARG: Objection, Your Honor.

5 THE COURT: Sustained.

6 Q All right. And were there any other Americans in this
7 particular raid?

8 MS. GOLDBARG: Objection.

9 THE COURT: Sustained.

10 Q Well, what you're telling us is you had no involvement
11 whatsoever in the actual physical entry to the apartment; is
12 that correct?

13 A That's correct, sir.

14 Q And you had no actual physical contact with Mr. Guzman;
15 is that correct?

16 A That's correct, sir, other than after he was identified
17 by myself.

18 Q Right.

19 That reminds me. So -- so when you -- when you went
20 to try to catch Chapo Guzman, you believe that he was, you
21 know, one of the heads of the cartel, right?

22 A Yes, sir.

23 Q He's a huge drug trafficker in Mexico according to what
24 you believe, right?

25 A Mexico and the United States.

1 Q United States, Africa, Europe, Australia, right?

2 MS. GOLDBARG: Objection.

3 THE COURT: You can answer.

4 A We care about traffic in the United States.

5 Q I understand that, but you were in Mexico at this time,
6 right?

7 A Yes, sir.

8 Q And when -- and we'll come back in the actual capture,
9 but when he's actually captured and I think you said they
10 bring him down to you in the parking lot which is downstairs
11 somewhere?

12 A Yes, sir.

13 Q These 40 highly trained Mexican Marines, right?

14 MS. GOLDBARG: Objection, misstates the testimony.

15 Q Well, the Mexican Marines that you were working with
16 highly trained?

17 THE COURT: Stop. Do another question, please. You
18 can have that last question just do it again.

19 MR. BALAREZO: Was it objected to --

20 THE COURT: The one that was not objected to.

21 Q Were the Mexican Marines that you were working with that
22 night, would you consider them to be highly trained?

23 A Yes, sir.

24 Q And you would agree that this is probably not their first
25 capture operation, correct? I mean, most of them had been

1 with you at the houses, right?

2 A That's correct.

3 Q They knew you were looking for Chapo Guzman, correct?

4 A We were looking for, yes.

5 Q I mean, wasn't a secret who you were looking for?

6 A Amongst the Marines, no.

7 Q Yeah, right.

8 But these highly trained Marines know you're looking
9 for Chapo, they have to rely on you at that point to identify
10 Chapo Guzman?

11 A Yes, sir.

12 Q All right. This notorious Mexican drug trafficker?

13 MS. GOLDBARG: Objection.

14 THE COURT: Sustained.

15 Q Let me show you Defense Exhibit 458.

16 MR. BALAREZO: Any objection?

17 MS. GOLDBARG: No objection.

18 THE COURT: Received.

19 (Defense Exhibit 458, was received in evidence.)

20 Q Do you see that, sir?

21 A Yes, sir.

22 Q And that's Mr. Guzman, correct?

23 A Yes.

24 Q And is it accurate to say that that is Mr. Guzman at the
25 time he was arrested in this raid?

1 A Yes, sir.

2 Q Okay. And is this that you saw him for that very first
3 time in the garage?

4 A Yes, sir.

5 Q And you see -- you see him in the courtroom right now,
6 right?

7 A Yes.

8 MR. BALAREZO: May I have Mr. Guzman stand up?

9 THE COURT: You may.

10 Q Look at his face. This mark that appears in the picture,
11 that's not on his face now, is it?

12 A No, sir.

13 Q I know he's got a shirt on, but do you see these other
14 bruises and whatnot on his shoulder?

15 A Yes, sir.

16 MS. GOLDBARG: Objection.

17 Q There's another bruise on his upper --

18 THE COURT: Overruled.

19 Q On his forehead?

20 A Yes, sir.

21 Q You don't get those falling out of bed, right, these
22 Marines --

23 MS. GOLDBARG: Objection.

24 Q -- kind of roughed him up a bit, right?

25 MS. GOLDBARG: Objection.

1 THE COURT: Sustained.

2 Q You didn't see that?

3 MS. GOLDBARG: Objection.

4 THE COURT: Sustained.

5 Q Do you know how he got those bruises?

6 MS. GOLDBARG: Objection.

7 THE COURT: Sustained.

8 Q And that hand that appears there, is that your hand, sir?

9 A No, sir.

10 Q Did you take any pictures with your cell phone?

11 MS. GOLDBARG: Objection.

12 THE COURT: Sustained.

13 Q And now let's just talk about the actual -- you -- you
14 testified that in the hotel room, were -- were his wife and
15 two baby girls, I think you described them, right?

16 MS. GOLDBARG: Objection, misstates --

17 MR. BALAREZO: I'm sorry?

18 MS. GOLDBARG: Misstates --

19 THE COURT: I'm going to overrule the objection. He
20 can answer if that's right.

21 A I didn't testify anything about the hotel room.

22 Q Well --

23 A I said his wife was present.

24 Q Let me ask the right question.

25 When Mr. Guzman was seized for the very first time

1 in the Miramar hotel, right, was he alone, yes or no?

2 MS. GOLDBARG: Objection.

3 THE COURT: Overruled.

4 A No, he was not.

5 Q Was Emma Coronel with him at the Miramar Hotel, yes or
6 no?

7 A Yes, sir.

8 Q Were his two baby girls with him at the Miramar Hotel,
9 yes or no?

10 A Yes, sir.

11 Q And were there any pistoleros, 150 pistoleros outside the
12 room?

13 A No, sir, not outside.

14 Q Are you aware of whether or not there were anyone else
15 besides Emma, and the two baby girls in the hotel room or in
16 similarity to Mr. Guzman?

17 A Condor.

18 Q Uh-huh.

19 A And I believe another baby-sitter or --

20 Q All right.

21 A -- or assistant.

22 Q A lady?

23 A Yes, sir.

24 Q She was no pistolero or --

25 MS. GOLDBARG: Objection.

1 Q Do you know whether the lady was a pistolero?

2 MS. GOLDBARG: Objection.

3 THE COURT: Sustained.

4 Q Was she armed?

5 MS. GOLDBARG: Objection.

6 THE COURT: I'll allow that answer.

7 A I didn't see her armed.

8 Q And this guy Condor that you said was also there, was he
9 armed?

10 A Yes, sir.

11 Q All right. Did they fire upon you or any of the Mexican
12 Marines?

13 A No, sir.

14 MS. GOLDBARG: Objection, Your Honor.

15 THE COURT: Overruled.

16 Q Did they put up a fight in any way?

17 MS. GOLDBARG: Objection, Your Honor.

18 THE COURT: Overruled.

19 Q You can answer.

20 MS. GOLDBARG: Your Honor, may we --

21 A I don't know what he did in the hotel room.

22 Q Are you aware?

23 MS. GOLDBARG: May we approach?

24 THE COURT: Sure.

25 (Continued on next page.)

SIDEBAR CONFERENCE

1 (The following occurred at sidebar.)

2 MS. GOLDBARG: Your Honor, the agent testified that
3 he was not upstairs in the room whenever this happened, so all
4 the questions that Mr. Balarezo is asking for all rely on
5 hearsay and he doesn't -- you know, all the questions that he
6 is asking is information that he got through someone else.

7 THE COURT: Okay. I did not think that was your
8 objection. That is a good objection.

9 How does he know?

10 MR. BALAREZO: I'll move on.

11 THE COURT: He is downstairs, they are upstairs.

12 MR. BALAREZO: I'll move on.

13 (Continued on next page.)

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1 (Sidebar ends; in open court.)

2 Q During the time that -- well, was it the Marines only
3 that went in and captured Mr. Guzman?

4 MS. GOLDBARG: Objection.

5 THE COURT: Overruled.

6 MS. GOLDBARG: Objection, Your Honor, may we
7 approach.

8 THE COURT: Okay.

9 (Continued on next page.)

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SIDEBAR CONFERENCE

1 (The following occurred at sidebar.)

2 MS. GOLDBARG: Your Honor, the answer that he's
3 giving is covered under the Court's pretrial motion in limine
4 motion about how it was identified and who was present. So we
5 believe that this is covered in the Court's prior ruling.

6 MR. BALAREZO: And I'm sorry. The witness already
7 said that he identified Mr. Guzman in the basement. I'm not
8 asking anything about any intelligence or means or method. I
9 simply asked who was in the apartment.

10 MS. GOLDBARG: But asking who's in the apartment
11 could also lead to information that would reveal this
12 information.

13 THE COURT: Well, he just asked if the Mexican
14 Marines were still in the apartment.

15 MS. GOLDBARG: I believe he asked if anyone else was
16 in the room.

17 THE COURT: I see. Is that your concern that he is
18 asking if anyone else was --

19 MS. GOLDBARG: Yes, Your Honor.

20 THE COURT: Okay. Do you understand?

21 MR. BALAREZO: I think so, but I -- I'll ask.

22 THE COURT: Well, no, you won't.

23 MR. BALAREZO: I will ask a question that will not
24 concern the Government, Your Honor.

25 THE COURT: We'll see.

SIDEBAR CONFERENCE

1 MR. BALAREZO: I promise.

2 THE COURT: Okay.

3 (Continued on next page.)

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1 (Sidebar ends; in open court.)

2 Q During the --

3 THE COURT: Give the reporter a second.

4 MR. BALAREZO: Oh, I'm sorry.

5 Q Excuse me, during the operation itself when entry into
6 the hotel room was made, right?

7 A Yes, sir.

8 Q You said you weren't there when entry was made?

9 A At the hotel room?

10 Q Yes.

11 A Yes, sir.

12 Q Okay. You were down in the garage or somewhere else, not
13 at the hotel room?

14 A In the entry, Lobby 40-A of the hotel.

15 Q Okay. And, of course you were in contact with the
16 Marines as they made entry, correct?

17 A Yes, sir.

18 Q You had live communications?

19 A Yes, sir.

20 Q And is that to say that if a shot had been fired at the
21 Marines as they came in, would you have been able to hear that
22 shot through those radios, or whatever you were wearing at
23 that --

24 MS. GOLDBARG: Objection.

25 A I have heard it --

1 THE COURT: I am going to allow that.

2 A I would have heard it without the radios.

3 Q Okay. And did you hear any shots?

4 A No, sir.

5 Q Did you hear any RPG's going off?

6 A No, sir.

7 Q No violence that you could think of, right?

8 MS. GOLDBARG: Objection.

9 Q Did you hear any screaming, yelling, he's shooting, he's
10 got a gun, anything of that nature?

11 MS. GOLDBARG: Objection.

12 THE COURT: Overruled.

13 A No, sir.

14 Q And to your knowledge Mr. Guzman himself never put up a
15 struggle, right?

16 MS. GOLDBARG: Objection.

17 THE COURT: Sustained.

18 MR. BALAREZO: If I could just have a moment,
19 Your Honor?

20 THE COURT: Sure.

21 (Pause in proceedings.)

22 MR. BALAREZO: Your Honor, I think I may be done,
23 I'm just --

24 THE COURT: Check it over.

25 MR. BALAREZO: Yes.

1 (Pause in proceedings.)

2 MR. BALAREZO: Your Honor, I believe I have no
3 further questions.

4 THE COURT: Okay. Any redirect?

5 MS. GOLDBARG: Very briefly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. GOLDBARG:

8 Q Agent Vazquez, defense counsel asked you some questions
9 about some of the weapons and other contraband that was seized
10 at the houses that you were searching; do you recall those
11 questions?

12 A Yes, ma'am.

13 Q Who took possession of these items?

14 A The Mexican Marines and then the PGR, which is the
15 Mexican authorities.

16 Q Did you have any role in securing these weapons that you
17 recovered?

18 A No, ma'am.

19 Q Why not?

20 A It was not my role. It's a Mexican case.

21 Q Okay. And what was your role?

22 A To capture and essentially extradite one of the three --

23 MS. GOLDBARG: Objection.

24 A -- into the United States.

25 THE COURT: Overruled.

Vazquez - Recross - Balarezo

1 MS. GOLDBARG: I have no further questions,
2 Your Honor.

3 THE COURT: All right.

4 MR. BALAREZO: Your Honor, I just have one or two.

5 THE COURT: Go ahead.

6 RECROSS EXAMINATION

7 MR. BALAREZO:

8 Q Sir, with respect to that question about who took
9 possession of the weapons --

10 A Yes, sir.

11 Q -- that you were just asked, are you aware of anything
12 that would have prevented the Government from bringing those
13 weapons here?

14 MS. GOLDBARG: Objection, Your Honor.

15 THE COURT: Sustained.

16 MR. BALAREZO: Nothing further, Your Honor. Thank
17 you.

18 THE COURT: All right. You may step down. Thank
19 you very much.

20 (Witness exits the witness stand.)

21 THE COURT: It's a little early for lunch. Should
22 we call another witness?

23 (No audible response.)

24 THE COURT: Let's call another witness.

25 MR. NARDOZZI: Your Honor, The Government calls John

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1 Zappone.

2 J O H N Z A P P O N E,

3 called as a witness having been first duly sworn/affirmed, was
4 examined and testified as follows:5 THE COURTROOM DEPUTY: Please state and spell your
6 name for the record.7 THE WITNESS: My name is John Zappone,
8 Z-A-P-P-O-N-E.

9 THE COURTROOM DEPUTY: You may be seated.

10 THE COURT: All right. You may inquire.

11 MR. NARDOZZI: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MR. NARDOZZI:

14 Q Good morning, Special Agent. How are you today.

15 A Well enough.

16 Q Good. Could you tell us where you're currently employed?

17 A I work for Homeland Security Investigations in Nogales,
18 Arizona.

19 Q And what is your job title there?

20 A I'm a supervisor, a special agent.

21 Q Okay. And what does that mean; what do you do in that
22 job?23 A Basically supervise investigations that we're authorized
24 to conduct, specifically narcotics investigations.

25 Q How long have you been working at Homeland Security

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1 Investigations?

2 A Since 2004.

3 Q And what kind of training do you have to become a
4 Homeland Security Investigations special agent?

5 A We have two academies. The basic criminal investigator
6 academy and job-specific academy.

7 Q And you mentioned a moment ago you investigate primarily
8 narcotics crimes; is that correct?

9 A Yes.

10 Q Where were you working prior to Homeland Security
11 Investigations?

12 A I was a United States border patrol agent.

13 Q Okay. And where were you located for that?

14 A Nogales, Arizona.

15 Q Okay. Special Agent Zappone, have you conducted
16 something called a Title 3 investigation?

17 A Yes, a few.

18 Q Can you explain to the Ladies and Gentlemen of the Jury
19 what a Title 3 investigation is?

20 A A Title 3 investigation is essentially a legalized
21 wiretap investigation, basically where we monitor either
22 electronic or oral communications that were being passed over
23 communications devices.

24 Q You say electronic communications, what do you mean by
25 that?

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1 A Something like a text message or an email.

2 Q And oral communications meaning?

3 A Voice.

4 Q How do you receive authorization to conduct Title 3
5 investigations?

6 A A United States District Judge authorizes it.

7 Q And when you receive authorization to conduct a Title 3
8 investigation, how long does that authorization typically last
9 for?

10 A Approximately 30 days.

11 Q Okay. In conducting a Title 3 investigation, are you
12 familiar with something called a target device?

13 A Yes.

14 Q Can you explain to the Ladies and Gentlemen of the Jury
15 what a target device is?

16 A A target device is typically going to be the device
17 that's be used in furtherance of a crime that's being -- or
18 where elements of that crime are being communicated over.

19 Q Okay. This target device, this is the device that you,
20 in fact, are intercepting, correct?

21 A Yes.

22 Q And what about a target subject, what that mean?

23 A A target subject would be a person in communication with
24 that target device or the person using it.

25 Q And without providing the jury with the methods that you

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1 use, what does it mean to intercept a communication?

2 A Basically to -- almost like a -- well, when a message is
3 being passed from one point to another point, we basically see
4 that message coming across in realtime and be able to read it.

5 Q And what type of communication are you looking for when
6 you conduct a Title 3 investigation?

7 A Basically, any kind of communications that talk about the
8 criminal activities that we're authorized to intercept.

9 Q Okay. Were you involved in a Title 3 investigation that
10 began in 2013?

11 A Yes, I was.

12 Q And when did the overall investigation that led to this
13 Title 3 investigation begin?

14 A Approximately in 2011.

15 Q Okay. And when did the Title 3 portion of that
16 investigation begin?

17 A Oh, in -- the Title 3 portion begin in February 25th of
18 2013.

19 Q And how long did that Title 3 portion of your
20 investigation last?

21 A Until August of 2014.

22 Q What was your role in the Title 3 investigation that
23 lasted from February of 2013 to August of 2014?

24 A I was one of the main case agents on that case, and I
25 also authorized many of the affidavits that were used to

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1 intercept the wire device.

2 Q And what was that investigation focused on?

3 A A joint chapter of the organization in Mexico.

4 Q Okay. What types of communication did you gather during
5 the course of this Title 3 investigation that we're speaking
6 about?

7 A Well, specifically we were intercepting
8 BlackBerry Messenger communications, which is the proprietary
9 chat application used by BlackBerry.

10 Q Okay. And what types of communication were you looking
11 for specifically?

12 A Well, they were basically instant messages concerning
13 drug trafficking.

14 Q Okay. You mentioned target devices a moment ago. How
15 many target devices did you intercept during the course of
16 this Title 3 investigation?

17 A It was well over 70. I think we went up all the way
18 almost to 77 devices.

19 Q Well, when you intercept a target device, how do you
20 determine when it's time to stop intercepting that target
21 device?

22 A When it's no longer being used to further illegal
23 activity.

24 Q Okay. And how can you tell that?

25 A Well, it's either dropped, there's no longer any messages

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1 coming across that, which I believe we consider somebody
2 dropping a telephone, or, for example, if the target subject
3 that is basically using it pass it off to like another subject
4 that's not involved in the investigation.

5 Q Okay. You mentioned a moment ago you're intercepting
6 BlackBerry Messenger communications in this case?

7 A Yes.

8 Q Can you describe how BlackBerry Messenger works?

9 A BlackBerry Messenger was -- it's an application that was
10 hardwired into every single BlackBerry device back in 2013.
11 They basically assigned a hexagonal ten, which was
12 alphanumeric number and it would be associated to that
13 specific device and it would allow you just to basically
14 instant message each other over the BlackBerry proprietary
15 network.

16 Q Okay. So that's essentially like the phone number for
17 that BlackBerry?

18 A Yes.

19 Q -- device?

20 A Yes.

21 Q Okay.

22 A It's hardwired, though. You can't change it, back then.

23 Q Okay. After you stop intercepting the device, target
24 device, what do you do with it?

25 A We basically preserve the evidence that we received from

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1 it. We have a working copy of the disk and then we have
2 another copy of the evidence that we basically take to a judge
3 to have it seal.

4 Q Okay. What does it mean to have it sealed?

5 A Well, when we're done intercepting, we basically eject
6 the disks. We take it immediately to a Federal Judge. He
7 then -- we put it in an envelope. We put a seal over it, and
8 the judge will sign over the top of it basically preserving
9 the evidence so no one can alter it.

10 Q Okay. When you get authorization to intercept a target
11 device, is that authorization tied to the device itself or is
12 it the user of that device?

13 A It's mostly tied to the device itself.

14 Q And if you have instances as an investigator where the
15 device is regularly dropped, is there some sort of a judicial
16 remedy for that?

17 A Yes. It's something that we would call a roving wiretap
18 that targets the person using the devices.

19 Q All right. So describe how a roaming wiretap works for
20 the jury.

21 A A roving wiretap would be like, for example, someone
22 who's tossing a device or dropping the device frequently, so
23 frequently enough that it's difficult for us to basically get
24 back up and maintain continuous communication on that. So
25 what we do is we basically articulate the facts about the

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1 target subject that's using those devices to the judge, and
2 the judge gives us authorization to intercept the person
3 rather than the device.

4 Q Did you intercept any roving devices during the course of
5 the Title 3 investigation that you participated in from
6 February 2013 until August 2014?

7 A Yes, we did.

8 Q How many of those did you intercept?

9 A I want to say approximately eight.

10 Q Approximately how many total communications did you
11 intercept during that period that we've been discussing?

12 A We intercepted approximately 1.5 million communications,
13 but those include actually messages, image files, and
14 basically updates for the applications themselves.

15 MR. NARDOZZI: Your Honor, may I approach the
16 witness?

17 THE COURT: You may.

18 MR. NARDOZZI: Thank you.

19 BY MR. NARDOZZI:

20 Q You can start looking through those.

21 A (Witness complies.)

22 Q Special Agent Zappone, I have handed you what is marked
23 for identification. It's Government Exhibit 610-A through
24 610-N and Government Exhibit 610-R.

25 Just take a moment looks through those and let me

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1 know when you're done.

2 A (Witness complies.)

3 Q All right. Special Agent, do you recognize those?

4 A Yes, I do.

5 Q What are those?

6 A It is the original disks that we intercepted that were
7 sealed by the judge.

8 Q Okay. And how many of these disks were generated during
9 the course of the entire investigation?

10 A There was a disk generated for every specific device we
11 intercepted.

12 Q Okay. And each of those disks, what do they correspond
13 to?

14 A They correspond to the interceptions that we collected
15 off of the device.

16 Q All right.

17 A Target device.

18 Q And does each individual target device have its own disk?

19 A Yes.

20 Q Okay. Can you access these disks from a regular computer
21 like a laptop?

22 A No.

23 Q Why not?

24 A Because there's a -- there's a system, a proprietary
25 system that's basically used to intercept the messages. If

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1 you put it into a regular laptop without that program actually
2 installed, you're not going to be able to basically read it.

3 Q Okay. These disks that you're looking at, have they been
4 altered in any way?

5 A No.

6 Q In fact, is the seal that you placed on them with the
7 judge still affixed?

8 A All of them are.

9 Q You said a moment ago you have something called working
10 copies?

11 A Yes.

12 Q What are those?

13 A The working copies, they were used to basically further
14 our investigation, provide to the defense when they need it.
15 If we need to basically review the interceptions that we're
16 look at, that's the copy we use.

17 Q So when you review interceptions on a working copy, what
18 type of a file are you looking at or what do you see when you
19 access the data?

20 A On this one we basically had to extract them with
21 spreadsheets on Excel.

22 Q Okay. What do those spreadsheets contain?

23 A BlackBerry messages basically, the addressing system of
24 the BlackBerry proprietary network uses, the PIN number that's
25 being contacted by the other PIN number, and the screen name

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1 or the print the user is using, and the intercepted message
2 itself.

3 Q Okay.

4 MR. NARDOZZI: I'm going to leave this on.

5 Q I'm showing you what's marked as
6 Government Exhibit 610-N. Do you recognize this?

7 A Yes.

8 Q And what is this?

9 A That's a copy of the disk containing all the
10 interceptions with my signature on it.

11 Q Okay.

12 MR. NARDOZZI: At this time, Your Honor, the
13 Government would ask to move Exhibit 610-A into evidence.

14 MR. PURPURA: There's no objection, other than what
15 may or may not have been done previously.

16 THE COURT: Say that one more time.

17 MR. PURPURA: There's no objection except what we
18 may have or may not have been preserved at any pretrial
19 motion.

20 THE COURT: Okay.

21 MR. PURPURA: Thank you.

22 THE COURT: Received on that basis.

23 (Government Exhibit 610-A, was received in
24 evidence.)

25 MR. NARDOZZI: Your Honor, can I speak to counsel

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1 briefly --

2 THE COURT: Yes.

3 MR. NARDOZZI: -- so I can understand?

4 THE COURT: He's saying he's preserved any
5 objections that he made pretrial.

6 MR. NARDOZZI: Thank you, Your Honor.

7 (Government Exhibit 610-N, was received in
8 evidence.)

9 Q What is on Government Exhibit 610-N?

10 A A bunch of the intercepts that we intercepted and
11 preserved on these wiretaps.

12 Q Okay. And you had an opportunity to review these and
13 confirm that they are from the investigation you were a part
14 of?

15 A Yes, I did.

16 Q All right. I want to ask you couple of brief questions
17 about your observations during the course of your Title 3
18 investigation. First of all, were you overseeing the room
19 where they intercepted communications at the time -- during
20 the interception?

21 A Not particularly.

22 Q Okay. Did you have access to the line sheets that were
23 generated during the course and time of the investigation?

24 A Yes.

25 Q Okay. And what did you review those communications for?

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1 A Basically elements of the crimes that we were
2 investigating and authorized to intercept.

3 Q Okay. Without discussing at all any of the content of
4 the messages, were you able to make any observations about the
5 way that the messages were flowing during the course of your
6 period of interception?

7 A Yeah. It was a -- yes. It was a very unique method of
8 communication that we basically hadn't seen before.

9 Q Okay. I'm going to show you what's --

10 MR. NARDOZZI: Just for the witness only.

11 Q -- marked as Government Exhibit 515-1. Do you recognize
12 this?

13 A Yes, I do.

14 Q What is this?

15 A It's basically a flowchart of basically how this drug
16 trafficking organization was operating.

17 Q And is this a chart that you actually created?

18 A Yes, I did. I actually make it.

19 Q All right. And is this based upon your observation
20 during the time of interception?

21 A Yes.

22 MR. NARDOZZI: Your Honor, at this time,
23 the Government would ask to move Exhibit 515-1 into evidence.

24 MR. PURPURA: No objection.

25 THE COURT: Received.

Zappone - Direct - Nardozzi

1 (Government Exhibit 515-1, was received in
2 evidence.)

3 BY MR. NARDOZZI:

4 Q All right. So Special Agent Zappone, let's use this
5 chart to help us a little bit. What are -- you have different
6 tiers on this chart, correct?

7 A Uh-huh, yes.

8 Q And can you explain to the Ladies and Gentlemen of the
9 Jury what are tiered communications?

10 A Well, basically this DTO would have a field operative,
11 basically out in the field or in another country such as
12 Colombia, Ecuador, Canada, and they would want to communicate
13 with the head of the DTO, they would basically send a message
14 to a device that they would referred to as an office device,
15 and they would be thinking they were communicating with that
16 person directly. But what would, in fact, happen is -- what
17 this was was the mirror system --

18 Q Okay.

19 A -- and basically -- well, that's what we refer to it as,
20 mirror. The office would then basically cut and paste the
21 message that he received from the field operatives and then
22 pass it up to what we called the second tier device. That
23 second tier device would do the same thing. We'd basically
24 cut and paste that message and send it up and send it out --

25 MR. PURPURA: Your Honor, I apologize.

Zappone - Direct - Nardozzi

1 But Madam Interpreter, I'm sorry, but I can't hear.

2 THE COURT: I'm not sure what to do about that.

3 I'll ask the interpreter to be a little more quiet if she can.

4 MR. PURPURA: Thank you, Your Honor.

5 THE COURT: If she can't -- or maybe you need to
6 move your chair someplace else.

7 A So --

8 BY MR. NARDOZZI:

9 Q Continue, sir.

10 A So on the second tier devices, there are basically paths
11 you would have to jump to what we refer to as a top tier
12 device. And messages that would return would flow down
13 similarly where the top tier device would type a message, send
14 it down to the second tier device. The second tier device
15 would cut and past it and forward it down to the first tier
16 device who would, again, basically cut and past that and send
17 it down to the field operatives.

18 Q You used an abbreviation a second DTO?

19 A Yes.

20 Q What does that mean?

21 A That means drug trafficking organization.

22 Q Okay.

23 Now, based upon your observations, how would a
24 message kind of be addressed in a way to make sure it wound up
25 at the right location?

Zappone - Direct - Nardozzi

1 A Well, there were a great many field operatives sending
2 messages up through this system, and there were a great many
3 different offices each had a number assigned after them. But
4 a field operative would basically communicate with just one
5 office, but there would be several of them communicating
6 through the same office.

7 So what they would do in order to basically make
8 sure the messages are being forwarded to the right person,
9 they would basically type the nickname or a screen name of
10 whoever it was addressed to and put a parenthesis beside it
11 and forward it up. That way they would know who the message
12 was coming from at the top tier level. And then when they
13 would send the messages back down, they would address it
14 similarly. And when the office level would get it, they would
15 try to erase it and basically make it look like it was just
16 one level of communication.

17 Q Very briefly --

18 MR. NARDOZZI: And switch to the PowerPoint. I
19 would like to pull up Government's Exhibit 515-2 which I
20 believe is without objection.

21 MR. PURPURA: That's correct.

22 THE COURT: Received.

23 (Government Exhibit 515-2, was received in
24 evidence.)

25 THE COURTROOM DEPUTY: Hold on.

Zappone - Direct - Nardozzi

1 By MR. NARDOZZI:

2 Q All right. Special Agent Zappone, 515-2 depicts two
3 separate conversations, 610N-1LT on the left and 610N-1PT on
4 the right. Taking a look at this, looking at the first red
5 box on the column on the left, can you read the contents of
6 that red box for the jury?

7 A Memin, parenthesis, from Belize gets the route straight
8 to Manta. And from Manta to Ipiales. Did you check that out
9 yet?

10 Q And can you read the first red box on the other side?

11 A Memin from Belize gets the route straight to Manta. And
12 from Manta to Ipiales. Did you check that out yet?

13 Q What do use notice about those two messages?

14 A They're identical.

15 Q Okay. There's a series of arrows depicted on this, on
16 this screen. What do they represent?

17 A They represent communications flowing down from the top
18 tier device and communications from the field operative that
19 there are four being returned.

20 Q So in this set of examples here, who is the field
21 operative?

22 A A pilot that we identified by the name of Memin.

23 Q And which device does the OFIS flow, the first tier?

24 A OFIS 2.

25 Q Okay. And then on the screen to the right, what's the

1 first tier operative device?

2 A It's referred to as USACELL.

3 Q Okay. And, again, taking a look at all the boxes on the
4 screen --

5 A Okay.

6 Q -- do we see the same kind of convention here where the
7 messages match on either side?

8 A Yes. They're basically using it as a filter.

9 Q Looking forward to the next screen. On the set of
10 translations to the right, we see some gaps where there aren't
11 any red boxes. Why is that?

12 A Because those are communications from other field level
13 operatives being pass out or in the communication structure
14 going back and forth.

15 Q Okay. So what does this reflect?

16 A A constant level of communication and a lot of messages
17 coming in.

18 Q Does it also reflect multiple users --

19 A Oh, yes.

20 Q -- communication devices?

21 A Yes, there are quite a few.

22 Q Okay.

23 MR. NARDOZZI: Your Honor, I don't have any further
24 question.

25 THE COURT: All right. Do you have any cross?

1 MR. PURPURA: I do.

2 THE COURT: All right.

3 CROSS-EXAMINATION

4 CROSS-EXAMINATION

5 BY MR. PURPURA:

6 Q Good afternoon, Agent Zappone.

7 A Hello.

8 Q You are -- you were the case agent for the 2013 to 2014
9 on a Title 3; is that correct?

10 A I was one of a few, yes.

11 Q And we haven't had many case agents in this case. So
12 just tell us again quickly, what is a case agent?

13 A It would basically be the leader or organizer of the
14 investigation.

15 Q So you were one of the leaders or organizers starting
16 from those dates, 2013 to 2014 when this Title 3 was running;
17 is that correct, sir?

18 A I would said I was one of the few, yes.

19 Q That's what I said, one.

20 How many other case agents were there?

21 A There was one specific case agent past the investigation,
22 and then an entire team devoted to it.

23 Q And the entire team would not be designated case agents;
24 is that correct, sir?

25 A No.

1 Q I'm trying to say, you were the man on this wire. It
2 that fair to say?

3 A No, because it was a team effort.

4 Q And you're a team player?

5 A Yes.

6 Q But who was the captain of that team?

7 A The captain of the team?

8 Q Yes.

9 A I wouldn't lay claim to that. I was one of many people
10 involved in it.

11 Q And as a case agent of this particular Title 3 wiretap,
12 you also wrote up some of the affidavits; is that correct?

13 A Yes.

14 Q And that's what the case agent would do; is that correct,
15 sir?

16 A It depends. It would basically be an assigned level of
17 work, because it's a large amount of work to actually do one
18 of these investigations.

19 Q And on those affidavits, you put down that you are one of
20 the case agents; is that correct, sir?

21 A I can't remember.

22 Q Now, you indicated that when the Title 3 was up and
23 running from February of 2013 through August 2014, you can
24 intercept either oral interceptions and/or electronic; is that
25 fair, sir?

1 A No. The judge didn't give us authorization to do that.

2 Q I'm sorry. The judge did or did not?

3 A We didn't ask for it. We only asked for permission to
4 intercept the BlackBerry message.

5 Q And this Title 3, that's all you have is electronic
6 messages; is that correct, sir?

7 A That and imagines, yes.

8 Q And, in fact, you were able to target 77 devices; is that
9 correct, sir?

10 A Approximately.

11 Q It's a lot of devices?

12 A Yes.

13 Q You had close to 1.5 million messages which were
14 intercepted and/or pictures, downloads, correct?

15 A Yes.

16 Q That's a lot, correct?

17 A Yes.

18 Q That's why you needed a large team, right?

19 A Yes.

20 Q And that team needed some structure and supervision,
21 correct?

22 A Yes.

23 Q And you were one of those people who gave that team some
24 structure and supervision, correct?

25 A I wasn't the assigned supervisor, but I did have a

1 leadership role in that.

2 Q And if you chose, you could listen to the -- not listen,
3 excuse me -- you could read the messages in realtime; is that
4 correct, if you chose to do that?

5 A They wouldn't be in realtime. It took awhile to make it
6 through the systems, but we would try to see them as quick as
7 we could.

8 (Continued on the next page.)

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1 CROSS-EXAMINATION (continuing)

2 BY MR. PURPURA:

3 Q And of course you can look at them historically as well
4 once they are past we have sheets, line sheets, correct?

5 A Yes.

6 Q And what you may not do but some of the people who work
7 in the wire room would do, would be look for pertinent or
8 non-pertinent messages; is that correct, sir?

9 A We basically have a contract wiretap monitors that
10 basically filter that stuff out so we don't see it.

11 Q When I say pertinent I mean -- and non-pertinent, you
12 wouldn't want a text messages involving, say, where do you
13 want to go to dinner tonight? Well, that may be relevant now,
14 right?

15 A It depends. If that helped us to prove the
16 identification of the person holding the device, we would
17 consider that pertinent.

18 Q Fair enough. But I guess the bottom line is that you,
19 yourself, were able to review what you thought was necessary
20 to review as the -- one of the case agents on this particular
21 case; is that correct, sir?

22 A Yes.

23 Q And as a result of that -- this is an investigation,
24 correct?

25 A Yes.

1 Q And the person under investigation, one of the people at
2 least was Mr. Guzman; is that correct, sir?

3 A Yes.

4 Q And you've been doing this before 2013, how long have you
5 been involved in this type of work, law enforcement?

6 A Since 2000.

7 Q 2000. So 13 years of experience you brought to the
8 table; is that correct, sir?

9 A Yes.

10 Q And as a result of what you were doing, based on the
11 information you received in your investigation, you had some
12 conclusions involving Mr. Guzman; is that correct, sir?

13 MR. NARDOZZI: Objection, Your Honor.

14 THE COURT: Let's have a sidebar.

15 (Sidebar conference.)

16 (Continued on the next page.)

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SIDEBAR CONFERENCE

1 THE COURT: Is this the guy with the opinions?

2 MR. PURPURA: I'm not asking for his opinion.

3 MR. NARDOZZI: Yes, you are.

4 MR. PURPURA: I'm going to use the language the
5 government used, which I just did, and what he's going to say
6 is responsive, I'm not asking for his opinion at this point.

7 THE COURT: You asked him, did he reach conclusions,
8 he'll say yes, then what are you going to ask?

9 MR. PURPURA: Your conclusion based on the
10 investigation, based on the information you received is
11 Mr. Guzman did not move any drugs to Chicago.

12 THE COURT: That's his opinion.

13 MR. PURPURA: That's an opinion -- it's an
14 investigation based -- there's nothing in his investigation --
15 well, how about this: Was there anything in your
16 investigation which indicated that Mr. Guzman moved drugs to
17 Chicago?

18 THE COURT: That's better.

19 MR. NARDOZZI: Your Honor, we did file a motion
20 about this, the Court did grant the motion to keep his
21 conclusions out, specifically the content of the email that
22 Mr. Purpura is quoting from.

23 THE COURT: No, he's phrasing it differently. All
24 he's saying is it's equally consistent with him having a
25 limited role. If you phrase it the way you did just now to

SIDEBAR CONFERENCE

1 say you did not find any, I think he can answer that because
2 that explains what he did and the investigation that the
3 government put him on to testify about. It goes to the limits
4 of the investigation not his opinion, I think.

5 MR. NARDOZZI: If I can also add, Your Honor, I
6 think it's outside the scope of the direct. I didn't ask him
7 about conclusions about drug trafficking, I simply asked him
8 about the communication system. I was careful in the way that
9 I crafted that question.

10 THE COURT: That's true. How does it go to his
11 credibility? Maybe you're saying it doesn't, maybe it goes to
12 the limits of the investigation.

13 MR. PURPURA: Well, it goes to the investigation
14 itself and what he did and what counsel did bring out that he
15 monitored the wire, that he had access to line sheets, that he
16 is the case agent in this particular case and from that and
17 the target of the investigation was Mr. Guzman. You can't put
18 blindfolds on him. As a result of that, based on the
19 information he looked at, based on 13 years of investigations
20 concluded that Mr. Guzman was not trafficking drugs.

21 THE COURT: No, now you lost me. Now he's giving
22 his evaluative opinion as an agent and he's not qualified to
23 give that, he's not competent to give that.

24 MR. PURPURA: No, it's not based on an opinion, it's
25 based on the investigation that he did.

SIDEBAR CONFERENCE

1 MR. BALAREZO: You changed the question.

2 THE COURT: It's still his opinion based on the
3 investigation that he did.

4 MR. NARDOZZI: Your Honor, if I can. I also never
5 elicited Mr. Guzman's name quite purposefully for this exact
6 reason.

7 THE COURT: Scope, you're saying?

8 MR. NARDOZZI: Yes, well scope and the findings you
9 made in the motion and the order.

10 MR. PURPURA: I'm sorry.

11 THE COURT: Take one more shot. So far you haven't
12 got me.

13 MR. PURPURA: I think that based -- am I doing scope
14 or am I doing relevance?

15 THE COURT: You're doing scope first because
16 Mr. Guzman was never mentioned during direct.

17 MR. PURPURA: The chart has been identified and the
18 numbers on the chart have been identified as connected to
19 Mr. Guzman and he goes through the chart, and that's the
20 relevance of that chart coming in, because various cooperators
21 have identified those PIN numbers to Mr. Guzman, and that's
22 why it's coming in.

23 The conversation the government just put on the --
24 as the PowerPoint was a conversation which was testified by a
25 cooperator involving drug trafficking and Mr. Guzman.

SIDEBAR CONFERENCE

1 THE COURT: I assume the government is going to let
2 the jury know that at some point.

3 MR. NARDOZZI: Your Honor, the cooperating
4 witnesses -- three of the upcoming cooperating witness will
5 testify the system was Mr. Guzman's, but part of the reason I
6 didn't elicit the evidence from the agent is because I think
7 that information is more credible from the witnesses not from
8 the speculation of the agents thinking it went to Mr. Guzman.
9 I also don't believe any of those pins have been identified
10 with any specificity or the screen names that are in the
11 chart. And again, I was very careful not to elicit
12 Mr. Guzman's name.

13 THE COURT: Here's what I want to do, we're going to
14 break for lunch and I'll think about it, but I do want you to
15 give me another proffer as to the questions you intend to ask.
16 The language here is important.

17 MR. PURPURA: Thank you.

18 THE COURT: But I want you to do that now.

19 MR. PURPURA: Why don't you give me the break for
20 lunch to make sure that I articulate it properly.

21 THE COURT: All right. We'll do that.

22 MR. PURPURA: We'll come back early.

23 THE COURT: We'll take a break for lunch, maybe you
24 two can even talk about it, see if you can work out acceptable
25 questions. I would appreciate it if you can.

SIDEBAR CONFERENCE

1 MR. PURPURA: Thank you.

2 MR. NARDOZZI: Thank you, Your Honor.

3 (End of sidebar conference.)

4 (Continued on the next page.)

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1 (In open court.)

2 THE COURT: Once again, ladies and gentlemen, rather
3 than keep you during our extended discussions, we're going to
4 send you to lunch. Please don't talk about the case.

5 We'll have you back in here at 1:35. Thanks.

6 (Jury exits courtroom.)

7 THE COURT: Let's meet at 1:30.

8 (Luncheon recess.)

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1 A F T E R N O O N S E S S S I O N

2 (In open court.)

3 (The Hon. Brian M. Cogan, presiding.)

4 (Defendant present.)

5 (The following occurs outside the presence of the
6 jury.)

7 THE COURT: Any chance that the parties worked out
8 the issue we had discussed at sidebar?

9 MR. NARDOZZI: I'm sorry, Your Honor. We didn't.

10 THE COURT: I will tell you I reread the decision I
11 wrote down prior to trial and I thoroughly convinced myself I
12 was right. So, Mr. Purpura, let me hear why I wasn't.

13 MR. PURPURA: The issue before, Your Honor, that was
14 presented in the motion was the -- that, in fact, we intended
15 to introduce under 801(d)(2)(D) would be Zappone's conclusion
16 that based upon his investigation that Mr. Guzman was more
17 myth than legend, but what I'm seeking to introduce at this
18 point right now is not that conclusion.

19 What I'm seeking to introduce is the specific
20 finding that based on his investigation and I'm going to go
21 into greater detail. I would indicate that first I would show
22 that again he is the case agent for the wiretapping. It was
23 his job to update other agents as to what's progressing in the
24 intercept of these electronic messages. It was his job to
25 update Andrea Goldbarg who in the affidavits the -- the

1 affidavits to continue the wiretap and that information that
2 he was giving to her was put in the wiretap itself and it was
3 his job to review all the messages and after reviewing all the
4 messages he concludes as the investigator in this case, not so
5 much the opinion, which I would like to get in, in fact that
6 Guzman is more myth than legend, but what he finds based on
7 the investigation is that Guzman did not move any drugs to
8 Chicago based the intercepts from that period of time 2013 and
9 2014 and that's a factual question.

10 THE COURT: Why not if it is that narrow? You might
11 have other people that will say we do find that he moved drugs
12 into Chicago during that period.

13 MR. NARDOZZI: Your Honor, first of all, I too
14 believe you were right as well. Secondly, the truth of the
15 matter is that he's still asking for the opinion of the agent
16 asking about intercepts about where drugs went and even
17 that -- it goes right into what you drafted in the order for
18 the motion to be filed. So it's still the opinion of the
19 agent as to whether or not drugs went to Chicago.

20 THE COURT: It is a little different the way he's
21 phrased it and he asked it and I am going to hold him to it.
22 It is difficult to say to an agent, in the course of your
23 investigation did you find any evidence of X and the agent
24 will say, no, I didn't find any evidence of X. Then the
25 Government will call another agent who will say I found

1 evident of X. That's not an opinion. It's just a report on
2 what the evidence showed to that agent. Now I agree with you
3 though that the line between opinion and conclusion is hazy
4 there, but when he says, more myth than actuality, that's
5 clearly opinion; but when he says I didn't see any of this,
6 that's not his opinion. It is saying what his perceptions
7 are.

8 So if Mr. Purpura holds him to his perceptions as
9 he's indicated that he will, then that is okay is.

10 MR. NARDOZZI: The only other grounds are that I
11 would renew my scope objection. He was asked only about the
12 wire investigation and not about the content.

13 THE COURT: But he is being asked based on his work
14 whatever he did that you brought out, the wire connection and
15 that, did he see any evidence of movement to Chicago in 2013
16 to 2014. He did or he didn't. It's an observation not an
17 opinion. So I will let him have that. But like I said before
18 it's a fine line and you've got to be on the right side of it.
19 All right?

20 MR. PURPURA: Yes, sir.

21 MR. NARDOZZI: Yes, Your Honor.

22 THE COURT: Let's have the witness back and then the
23 jury, please.

24 (Witness resumes stand.)

25 (Jury enters.)

1 THE COURT: Be seated, please.

2 Mr. Purpura.

3 MR. PURPURA: Your Honor, thank you.

4 (Continuing on the following page.)

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1 JOHN ZAPPONE, resumed:

2 CROSS-EXAMINATION

3 BY MR. PURPURA: (Continuing.)

4 Q Agent Zappone, as the case agent, you and your team and
5 your group were involved in wiretapping the Guzman
6 organization, in your words, pretty extensively over the past
7 year and the year being 2013 and 2014. Does that sound about
8 accurate, sir?

9 A It's about accurate.

10 Q In addition to the extensive wiretapping -- and the
11 wiretapping I'm talking about these electronic messages from
12 the BlackBerry, your job, part of your job was to update other
13 agents in the field about these messages as well; is that
14 correct, sir?

15 A Was it part of my job?

16 Q Yes, was it part of what your duties were. There were
17 communication with boots on the ground, other agents; is that
18 correct?

19 A Yes.

20 Q In addition to other agents, you were also in direct
21 communication electronically by e-mails and text messages with
22 Assistant United States Attorneys; is that correct, sir?

23 A Yes.

24 Q And the reason why you're in contact with the Assistant
25 United States Attorneys is because they need to know the

1 results of your investigation, your team's investigation, so
2 that they can prepare affidavits and orders to the United
3 States district court judges to continue the year-long
4 wiretapping; is that correct, sir?

5 A Yes.

6 Q And one of the Assistant United States Attorneys that you
7 were in contact with giving information that you received from
8 these intercepts was Andrea Goldbarg; is that correct?

9 MR. NARDOZZI: Objection, Your Honor.

10 THE COURT: Sustained.

11 Q The person that you gave the information to, the
12 Assistant United States Attorney would then prepare affidavits
13 to the Court; is that correct, sir?

14 A I would write the affidavits and submit them to her for
15 her review and --

16 Q And that person, he and/or her, would then submit those
17 to the Court for a continued authorization; is that correct,
18 sir?

19 A No, I would have to actually go to the Court and sign the
20 affidavit myself.

21 Q And based on your year-long investigation -- strike that.

22 In the course of your year-long investigation from
23 2013 through 2014, did you find any evidence, any evidence,
24 that Joaquin Guzman moved any drugs to Chicago.

25 A No. That wasn't our investigation.

1 Q You did not find that in your investigation; is that
2 correct, sir?

3 A In our part, no.

4 Q This is in evidence. You quickly went through the tiers
5 of messages in your direct examination; is that correct, sir?

6 A Yes.

7 Q And as we can see -- as we can't see, this -- whoever
8 this is here is unidentified; is that correct, sir?

9 A Yes.

10 Q And the reason that person, him, her or whoever is
11 unidentified is because despite what you were able to do in
12 2013 and 2014 about intercepting these messages, it still does
13 not identify who this person is up here; is that correct, sir?

14 MR. NARDOZZI: Your Honor, can we have a sidebar?

15 THE COURT: Okay.

16 (Sidebar held outside of the hearing of the jury.)

17 (Continued on next page.)

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1 (The following sidebar took place outside the
2 hearing of the jury.)

3 MR. NARDOZZI: Your Honor, I anticipate that
4 Mr. Purpura is attempting to kind of fling the door open for
5 himself. I think Special Agent Zappone may testify that the
6 defendant was at the top of that structure, that he was
7 guessing essentially, but I would like to make it clear that
8 if he flings the door open he can't walk through it following
9 with that e-mail, if the Court agrees of course.

10 THE COURT: I do not really understand what you just
11 said.

12 MR. NARDOZZI: I think he's trying to elicit from
13 Special Agent Zappone that the person at the top of the
14 structure is the defendant.

15 MR. PURPURA: I think he's going to say we don't
16 know. It's a blank. The agent has got to say that because it
17 is blank.

18 MR. NARDOZZI: Okay, that's fine, Your Honor. If he
19 does say he believes that Guzman was involved in the
20 communications --

21 THE COURT: You can object and I will strike it.

22 (Sidebar ends.)

23 (Continued on next page.)

1 BY MR. PURPURA:

2 Q Agent, the person at the top at this point is based on
3 the -- based on the chart, is unidentified; is that correct,
4 sir?

5 A At this point?

6 Q Yes.

7 A At the point I created the chart or now?

8 Q At the point when you created the chart.

9 A At the point when we created the chart, it would be
10 unknown.

11 Q And obviously the Government could have put any picture
12 they wanted to put in there before your direct examination.
13 Would that be fair to say, sir?

14 A I would say -- I would -- we would want to be honest with
15 it, yes.

16 MR. PURPURA: Your Honor, may I have just have one
17 moment?

18 THE COURT: Sure.

19 (Pause in proceedings.)

20 MR. PURPURA: Thank you, Judge, nothing further.

21 THE COURT: Any redirect?

22 MR. NARDOZZI: No redirect, Your Honor.

23 THE COURT: You may step down.

24 (Witness excused.)

25 THE COURT: Do we need to organize the courtroom?

1 MR. NARDOZZI: Yes, Judge.

2 THE COURT: Ladies and gentlemen, if you will line
3 up in the hallway, we will get you right back in.

4 (Jury exits.)

5 (In open court.)

6 THE COURT: You're too suspicious. Sometimes
7 defense lawyers really do what they say they will.

8 MR. NARDOZZI: Most times they don't, Your Honor.

9 (Jury enters.)

10 THE COURT: Be seated.

11 The Government can call the next witness.

12 MR. NARDOZZI: Your Honor, the government calls
13 Lucero Lopez Sanchez.

14 THE COURT: Could everyone besides the witness be
15 seated, please.

16 THE COURTROOM DEPUTY: Raise your right hand,
17 please.

18 (Witness sworn/affirmed.)

19 THE COURTROOM DEPUTY: State and spell your name for
20 the record.

21 THE WITNESS: Lucero Guadalupe Sanchez Lopez.
22 L-U-C-E-R-O G-U-A-D-A-L-U-P-E S-A-N-C-H-E-Z L-O-P-E-Z.

23 (Continued on the following page.)

24

25

Sanchez Lopez - direct - Nardozzi

1 DIRECT EXAMINATION

2 BY MR. NARDOZZI:

3 Q Good afternoon, Ms. Sanchez. How are you today?

4 A Good afternoon, fine.

5 Q How old are you?

6 A 29.

7 Q And where were you born?

8 A In Mexico in a town called Cosala in Sinaloa.

9 Q Is that where you lived growing up?

10 A Yes.

11 Q Where do you live today?

12 A In a jail in the United States.

13 Q What nationality are you?

14 A Mexican.

15 Q And is that where you were living prior to being
16 arrested?

17 A Yes.

18 Q Why are you living in a prison?

19 A Because I was arrested while trying to cross the border.

20 Q What were you arrested for?

21 A For cocaine conspiracy.

22 Q And when -- did you say cocaine conspiracy?

23 A Yes.

24 Q When did you become involved in drug trafficking?

25 A In the year of 2011.

Sanchez Lopez - direct - Nardozzi

1 Q And who did you become involved in drug trafficking with?

2 A With Joaquin Guzman Loera, the head -- the main leader of
3 the Sinaloa cartel.

4 Q Do you see that person in the courtroom today?

5 A Yes.

6 Q Can you identify him by an article of clothing he is
7 wearing?

8 MR. PURPURA: We will stipulate that the witness
9 identified Mr. Guzman.

10 THE COURT: And that she knows him?

11 MR. PURPURA: Yes, that she knows him.

12 THE COURT: Okay.

13 BY MR. NARDOZZI:

14 Q By the time you first became involved in drug trafficking
15 in 2011 until the time you were arrested, what type of work
16 were you doing for the defendant?

17 A Well, I worked with him collecting marijuana in the
18 mountains of Durango Sinaloa and doing some straw businesses.

19 Q What do you mean by straw businesses?

20 A Well, some businesses were structured as a small curtain
21 so that they could be used in the drug trafficking business.

22 Q During this time what was your relationship to the
23 defendant?

24 A Well, up until today I'm still confused because I thought
25 our relationship -- we were romantically involved as partners.

Sanchez Lopez - direct - Nardozzi

1 Q Prior to being arrested, did you have a different job not
2 working for defendant?

3 A Yes.

4 Q What was that job?

5 A I was a legislator, a local legislator in the state of
6 Sinaloa.

7 Q Okay. I want to talk about the charges against you
8 briefly. How long have you been living in a prison facility
9 in the United States?

10 A It's been one year and six months.

11 Q And do you recall the date you were arrested?

12 A Yes.

13 Q Where were you arrested?

14 A In California, San Diego.

15 Q And what were you doing that led to you getting arrested?

16 A I was trying to get the permit so that I could cross the
17 checkpoint in San Diego.

18 Q And why were you going to San Diego?

19 A Because I wanted to cross over to the United States.

20 MR. NARDOZZI: Just for the witness, please.

21 Q I'm showing you what's marked as Government Exhibit 92,
22 what is that?

23 A My picture.

24 Q Okay.

25 MR. NARDOZZI: Your Honor, at this time the

Sanchez Lopez - direct - Nardozzi

1 Government would like to offer Government Exhibit 92 into
2 evidence.

3 MR. PURPURA: No objection.

4 THE COURT: Received.

5 (Government Exhibit 92, was received in evidence.)

6 BY MR. NARDOZZI:

7 Q What crimes were you charged with specifically following
8 your arrest?

9 A The transportation and distribution of controlled
10 substances, conspiracy.

11 Q Did you plead guilty to those charges?

12 A Yes.

13 Q When did you plead guilty to those charges?

14 A In October 2018.

15 Q And where did you plead guilty to those charges?

16 A In a court in Washington, D.C.

17 Q Why did you plead guilty to those charges?

18 A Because I'm guilty.

19 Q When you pled guilty to those charges did you do so
20 pursuant to a cooperation agreement?

21 A Yes.

22 Q I'm going to show you 3500-LSL-2 and I'm going to flip
23 through it.

24 MR. NARDOZZI: Madam Interpreter, can you read this
25 portion to her.

Sanchez Lopez - direct - Nardozzi

1 A (Reviewing.)

2 Q Ms. Sanchez, do you recognize that document?

3 A Yes.

4 Q What is that document?

5 A It is the document that I signed in court.

6 Q Now I'm showing you the last page of this document. Is
7 this your signature?

8 A Yes.

9 MR. NARDOZZI: Your Honor, at this time I'd ask to
10 move 3500-LSL-2 into evidence.

11 MR. PURPURA: No objection.

12 THE COURT: Received.

13 (Government Exhibit 3500-LSL-2, was received in
14 evidence.)

15 BY MR. NARDOZZI:

16 Q Ms. Sanchez, what were the terms of your cooperation
17 agreement?

18 A To testify in court, to sign affidavits, and to just tell
19 the truth.

20 Q Did you also have to accept responsibility for your own
21 acts as part of that agreement?

22 A Yes, yes, for my bad acts.

23 Q Is that agreement why you're testifying here today?

24 A Yes.

25 Q And you are still awaiting your sentencing in your own

Sanchez Lopez - direct - Nardozzi

1 case; is that right?

2 A Yes.

3 Q What kind of a sentence are you facing based upon the
4 charges that you pled guilty to in your case?

5 A Life or mandatory minimum of ten years in prison.

6 Q What is your understanding of what the Government might
7 do for you in exchange for your cooperation?

8 A To do a recommendation with the judge so that the judge
9 can reconsider my sentence.

10 Q Has the Government, the prosecutors, any of the law
11 enforcement agents you've met with promised you anything in
12 regards to your sentencing?

13 A No.

14 Q Outside of this, has the Government done anything to
15 assist any members of your family as a result of your
16 cooperation?

17 A Yes.

18 Q And you understand in this case a judge -- ultimately a
19 judge in Washington, D.C., will be the only person to decide
20 your sentence; correct?

21 A Yes.

22 Q In preparing to testify today in court have you met with
23 the Government to discuss your testimony at all?

24 A Yes.

25 Q Approximately how many times have you met with the

Sanchez Lopez - direct - Nardozzi

1 government prior to testifying here today?

2 A Approximately 20 or 30 times.

3 Q Okay. When did you first meet the defendant?

4 A In 2010.

5 Q When did your romantic relationship with the defendant
6 begin?

7 A Formally in 2011.

8 Q In around what month?

9 A More or less February, February 2011.

10 Q How old were you at that time?

11 A Twenty-one.

12 Q How did you communicate with the defendant in February of
13 2011?

14 A By phone. He called me over the phone and then after
15 that through text messages.

16 Q The phone that he called you over, was that just a
17 personal phone that you had?

18 A It was a phone that he had sent to me through one of his
19 workers by the name of Perillo.

20 Q After you received that phone, how long was it that you
21 received a phone call from the defendant?

22 A At least -- well, more or less about two hours and then
23 he called me.

24 Q What did you talk about with the defendant when he called
25 you?

Sanchez Lopez - direct - Nardozzi

1 A Well, I just remembered that he told me that I had gotten
2 lost from his sight for some time and that he was going to
3 send me another phone so that we can talk and so that he could
4 see me.

5 Q Did he?

6 A Yes.

7 Q When did he send you another phone?

8 A Well, that same day, later on, the same person came with
9 a phone that had already been fixed and that's how they set
10 it. It had been fixed so that we can communicate.

11 Q What kind of a phone was it?

12 A It was a BlackBerry phone.

13 Q And how did you communicate with him over that BlackBerry
14 phone?

15 A Through text messages through the application that's part
16 of that phone through the PIN system.

17 Q What was the PIN?

18 A Well, it's an application that's already integrated in
19 the BlackBerry phone and it gives -- that's a six-digit number
20 and it's a mixture of numbers and letters and that is actually
21 your contact number.

22 Q Do you remember -- did you have a screen name associated
23 with the PIN?

24 A Yes.

25 Q Do you remember what your screen name was?

1 A Yes, Hermosura.

2 Q Did you have any other names?

3 A Yes.

4 Q What were some of the other screen names?

5 A Well, among them there was one just the letter M with
6 some dots afterwards, after the letter.

7 Q What was his screen name?

8 A Well, he would just use J or sometimes Juan.

9 Q Did you always use the same phone or did you use
10 different phones?

11 A No, he would change it on me. He would switch it every
12 two weeks or every month.

13 Q At that time, what types of things did you discuss with
14 him over BBM -- or with the PIN, excuse me?

15 A Well, we spoke about our romantic relationship, things
16 like that. He wanted to have a more stable relationship with
17 me, things like that.

18 Q Did you speak to him on the phone at this time or did you
19 only communicate over PIN?

20 A Just through the PIN messages.

21 Q So during the time that you became involved with the
22 defendant romantically, how often would you see him?

23 A Well, at times I would meet him once a month or sometimes
24 twice a month. And then later on I would meet up with him
25 more often; sometimes three times a month, and then I would

Sanchez Lopez - direct - Nardozzi

1 even stay with him for longer.

2 Q Okay. And where would you visit with the defendant
3 during those times?

4 A Well, I actually visited him in different places. I went
5 to Cabo San Lucas and that was in 2011 when I saw him there.
6 It was starting at this point that I became more involved with
7 drug trafficking with the marijuana trafficking.

8 Q Can you describe the home that you visited him in in Cabo
9 San Lucas?

10 A Well, there were different houses. There were different
11 locations. He would change constantly. The last one I saw
12 him at was a beige house with a pool and jacuzzi and an ocean
13 view.

14 MR. NARDOZZI: For the witness only.

15 BY MR. NARDOZZI:

16 Q I show you what's marked as Government Exhibit 219-29-AC.
17 Ms. Sanchez, do you recognize that?

18 A Yes.

19 Q What is that?

20 A That's my signature.

21 Q What is this? What's on this disk?

22 A There is an image there of the house in which I saw him
23 last time in Cabo.

24 MR. NARDOZZI: Your Honor, this is already in
25 evidence. I would like to play for the witness a short

Sanchez Lopez - direct - Nardozzi

1 portion of this video.

2 THE COURT: Okay.

3 (Video played.)

4 BY MR. NARDOZZI:

5 Q Can you tell the ladies and gentlemen what we're seeing
6 here?

7 A Yes, it's a part of the house.

8 Q Which house?

9 A Where I saw Joaquin for the last time in Los Cabos.

10 Q Was that the last time you saw him or the last time you
11 saw him in Los Cabos?

12 A It was the last time I saw him in Los Cabos.

13 Q Okay.

14 A And that would have been beginning in 2012.

15 Q Did the defendant tell you anything about what happened
16 in this house?

17 A Yes, he told me how he had escaped from there.

18 Q When did he tell you this?

19 A When he came back to Sinaloa. He came looking for me
20 right away.

21 Q Do you remember approximately the date?

22 A Well, yes. That was more or less in February 2012.

23 Q What did he tell you about escaping from that location?

24 A He told me that the Government had come up on them and
25 that he had escaped by jumping over a fence and that's why he

Sanchez Lopez - direct - Nardozzi

1 had a lot of thorns and scrapes. And he told me how his
2 secretary had helped him jump over the fence.

3 Q And you say thorns and scrapes. What do you mean by
4 that? Describe what you're talking about.

5 A Well, he told me because his body had wounds on it. It
6 was hurt. He had blood on him and he told me about what had
7 happened; that he had fallen down after he jumped the fence
8 and that's when he got scraped up. And they were hiding among
9 thorn bushes.

10 Q You mentioned a moment ago that he escaped with the
11 secretary. What --

12 A Yes, with Condor.

13 Q First of all, what's the secretary?

14 A It's the person in charge of establishing communications
15 to one side, on Joaquin's side, and also takes care of
16 security within, in the interior with the people who are
17 outside.

18 Q And what was that secretary's name?

19 A I don't know his name. I just know he called him Condor,
20 Muchacho or Chabelo.

21 Q I'm going to show you what's already in evidence as
22 Government Exhibit 63.

23 (Exhibit published.)

24 Q Do you recognize this?

25 A Yes.

1 Q Who is that?

2 A That's Condor. Joaquin's secretary.

3 Q How many times did you meet Condor?

4 A I have no idea. There were very many times.

5 Q Okay. So you said that your relationship with the
6 defendant started out romantically but that you also
7 trafficked marijuana for him; correct?

8 A Yes.

9 Q When was it that you began moving marijuana for the
10 defendant?

11 A Well, I remember that it was in October 2011
12 approximately.

13 Q Okay. What specifically was he asking you to do?

14 A Well, what I remember is one time he asked me if I knew
15 about the different kinds of marijuana and I said I did not
16 know very much about that. Still, he sent me to the mountains
17 to meet up with people who were growing marijuana to get
18 marijuana for him.

19 Q Why did he send you to the mountains?

20 A Because he sent me to a community where I had lived for
21 some time and I knew the people who would -- were marijuana
22 producers.

23 Q So what about that would make you best suited to go find
24 marijuana for him?

25 A Because that would make it easier for me to find -- to

Sanchez Lopez - direct - Nardozzi

1 get the marijuana in that community because he did not have
2 anyone to get him marijuana. At least that's what he would
3 say; that he didn't have anyone to get it for him.

4 Q So did you go?

5 A Yes.

6 Q Okay. I'm going to show you what's already in evidence
7 as Government Exhibit 502.

8 (Exhibit published.)

9 Q This will give us a little bit of an idea. Can you
10 circle on the screen the general area where you went to look
11 for marijuana?

12 A Yes. It was Durango. Sinaloa.

13 Q Okay. How many different -- were you going to single
14 places in these two Mexican states or were you going to
15 various places to find marijuana?

16 A Within the states of Sinaloa and Durango, I went to
17 several communities.

18 Q Are you familiar with the term "The Golden Triangle"?

19 A Yes.

20 Q What's that?

21 A It is the route, as they call it. They're the main
22 routes that are used for the traffic of marijuana and poppies
23 and it is the corner of Durango, Chihuahua and Sinaloa where
24 they meet.

25 Q So the areas that you went to, were they within this

1 Golden Triangle?

2 A Yes.

3 Q So what were your instructions?

4 A Well, I had the instructions to send packages of 10 kilos
5 that would fit on the flight according to the weight that he
6 would ask me for and to send them with the 3 Bs for quality,
7 meaning buena, bonita and barato; good, pretty and cheap.

8 Q So you say packages of 10 kilos. How many total kilos of
9 marijuana were you asked to find?

10 A 400 per flight.

11 Q Why 400 per flight?

12 A Because that was how much the plane could lift off with.

13 Q And what was the significance of the 10 kilogram
14 denominations you mentioned awhile ago for the individual
15 package?

16 A That's what he asked for. For 10 kilo packages. I don't
17 know why. I know that the plane had to have 400 kilos but on
18 the first flight they did not fit in, so only 350 fit in and
19 50 were remaining.

20 Q Were you in communication with the defendant when you
21 were harvesting marijuana in The Golden Triangle?

22 A Yes, every day at all hours.

23 Q And how were you in communication with the defendant?

24 A I would communicate over text messages with a PIN. I had
25 to climb up on a tall hill every morning and every afternoon

Sanchez Lopez - direct - Nardozzi

1 so I could get a signal and give him all the details of what
2 was going on with that shipment.

3 Q And what would he tell you as you updated him with
4 details?

5 A Well, we would talk about price and the size of the
6 packages. At first, at the beginning, he wanted me to get it
7 on credit, and then he would pay later. But I did not agree
8 to that.

9 Q Okay. Why not?

10 A Because I thought it was unfair that the people who had
11 worked so hard knew that if it went out on credit that those
12 people who had worked on it would not receive the money back.

13 Q Were you coordinating with any people specifically when
14 you were in that area looking for marijuana?

15 A Yes.

16 Q Who?

17 A With Joaquin's pilot.

18 Q What was his name?

19 A I don't know his name. I just know that they called him
20 Cachimba.

21 MR. NARDOZZI: For the witness only please.

22 BY MR. NARDOZZI:

23 Q I'm going to show you what's marked as Government Exhibit
24 93. Do you recognize this?

25 A Yes.

Sanchez Lopez - direct - Nardozzi

1 Q Who is this?

2 A Joaquin's pilot, Cachimba.

3 MR. NARDOZZI: Your Honor, I would ask to move in
4 Government Exhibit 93.

5 MR. PURPURA: No objection.

6 THE COURT: Received.

7 (Government Exhibit 93, was received in evidence.)

8 Q How did you know Cachimba?

9 A Well, I met him in 2011 when I started my relationship
10 with Joaquin.

11 Q And did you interact with him before you were sent to go
12 Harvest marijuana?

13 A Yes.

14 Q Under what circumstances?

15 A When I was traveling over to the locations where Joaquin
16 was.

17 Q You said you had a flight that you were able to move 350
18 kilograms of marijuana on?

19 A Yes.

20 Q Were you paid for your work harvesting marijuana?

21 A No.

22 Q When you communicated with the defendant you said you did
23 this over PIN; correct?

24 A Yes.

25 MR. NARDOZZI: If you can switch to the PowerPoint,

Sanchez Lopez - direct - Nardozzi

1 Government Exhibit 516.

2 Do you have an objection?

3 MR. PURPURA: No, sir.

4 BY MR. NARDOZZI:

5 Q Take a look at the first page of Government Exhibit 516.

6 Who's that person at the top?

7 A Joaquin, El Chapo.

8 Q Who's the person on the bottom?

9 A That's me.

10 Q Okay.

11 MR. NARDOZZI: Your Honor, for the record this
12 PowerPoint image shows a transcript that is already in
13 evidence.

14 (Exhibit published.)

15 BY MR. NARDOZZI:

16 Q All right. Let's take a look. What are we looking at
17 here?

18 A The conversations on those dates when I was trafficking
19 marijuana for Joaquin and with him.

20 Q You had a chance to review this communication prior to
21 coming to court today; correct?

22 A Yes.

23 Q Who is the screen name J?

24 A Joaquin.

25 Q And who is the screen name M with two dots after it?

1 A Me.

2 Q And looking at that very first communication underneath
3 the first screen names is a date. What is that date?

4 A This is a date in 2011. That's January 17.

5 Q You're having a hard time with the screen. Maybe January
6 17, 2012?

7 A Yes.

8 THE COURT: A lot of the Government Exhibits have
9 been very small when it comes to this font. Do you have that
10 device where you can highlight and expand one piece of the
11 display.

12 MR. NARDOZZI: I sure wish I did Your Honor.

13 THE COURT: Okay. Do the best you can.

14 MR. NARDOZZI: I'll do the reading here so I can go
15 off my copy.

16 I would ask to move 516 into evidence.

17 MR. PURPURA: No objection.

18 THE COURT: Received.

19 MR. NARDOZZI: Thank you.

20 (Government Exhibit 516, was received in evidence.)

21 BY MR. NARDOZZI:

22 Q Let's take a look at the first couple of parts of this
23 conversation. I will read them to you and ask you some
24 questions.

25 "J: All right, love. Make the arrangements with

1 Cachimba."

2 And now I'm showing you Government Exhibit 93.

3 (Exhibit published.)

4 Q This is the same Cachimba we see here?

5 A Yes.

6 Q And when J orders to you make the arrangements, who is he
7 talking about?

8 A To talk to Cachimba so he can go get the flight which was
9 ready by then to bring it over and to move it over to the city
10 of Culiacan.

11 Q Why would you move it over to the city of Culiacan?

12 A Because that was the point where I had to make my salary.
13 After that, I don't know which direction they were going to
14 take it.

15 Q Starting at paragraph 13:

16 "M: Are you going to want me to buy more or not,
17 just so I know? Cachimba would be going tomorrow, right? It
18 came out exactly at 400 kilos."

19 MR. NARDOZZI: And that, for the record, was
20 paragraphs 13, 15 and 16.

21 Q Ms. Sanchez, what are you telling the defendant here?

22 A Well, I was asking if he was going to want me to keep
23 purchasing more marijuana after the 400 kilos that I had
24 already purchased to send to him.

25 Q And, again, the significance of that 400 kilos, what was

Sanchez Lopez - direct - Nardozzi

1 that?

2 A Because, as I said, the plane could only lift that
3 amount. If more had fit into the plane, he would have wanted
4 to send more, but 400 was what I had to get to fill up the
5 plane so that the plane would not have to go back and come
6 back for the rest of it with two trips.

7 (Continued on the following page.)

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Sanchez Lopez - direct - Nardozzi

1 (In open court.)

2 (Through the interpreter.)

3 DIRECT EXAMINATION

4 BY MR. NARDOZZI (continuing):

5 Q Let's move ahead a little bit, to paragraphs 32, 34, and
6 35; and these are from January 18, 2012.

7 M: I want to let you know that the packages didn't
8 fit in the airplane. Fifty kilos packed were left there.

9 J: And how many were there, love?

10 M: 400 kilos, only 350 fit.

11 J: Was it very well packed, love? How many are in
12 each package?

13 M: Ten kilos, love, all of them.

14 Q What are you trying to tell the defendant in this
15 exchange?

16 A That in the flight that Cachimba had taken, the 400 kilos
17 that were ready were not able to fit, only 350 kilos fit in
18 it.

19 Q And in paragraph 37, where you tell him, Ten kilos, love,
20 why are you telling him that?

21 A Because those were the characteristics of the packages
22 that he wanted me to send them, with the right size and the
23 right weight, that he wanted me to send to him.

24 Q Moving ahead, also from January 18 of 2012, paragraphs
25 42, 43, and 45.

Sanchez Lopez - direct - Nardozzi

1 M: Yes, love, that's the one. It has a heart and
2 the number four. The heart means that I love you, and the
3 number four means that I bless the day you came into this
4 world, the day of your birthday; and there is a heart
5 emoticon.

6 What is this that you are describing to the
7 defendant in these messages?

8 A I'm giving him sort of the brand as to how to identify
9 the packages that I sent him.

10 Q What is the significance of the number four?

11 A Four is Joaquin's birthdate.

12 Q Do you know his date of birth?

13 A Yes, April 4.

14 Q Paragraph 46:

15 J: Oh, yes. That's right. Buy 300 next week, and
16 that way you can make another trip, love.

17 What's he telling you to do here?

18 A That he needs me to complete the other flight.

19 Q Paragraphs 50 through 52, also from the same date.

20 M: The owner of the runway sends his greetings and
21 says we can use the runway whenever you want since no one
22 takes off from there.

23 J: And did Cachimbas like it?

24 M: Yes. He asked me how many meters it had because
25 it felt very long to him, I think. Haha.

Sanchez Lopez - direct - Nardozzi

1 Why is Cachimbas' opinion important in this
2 conversation?

3 A Because he had to look at the air strip to make sure that
4 the air strip was adequate, if you could land there, if you
5 could actually take off from there. It depended on the meters
6 and the height and to see if the air strip was adequate.

7 Q That's because he would be taking off and landing from
8 that air strip, correct?

9 A Yes. Well, yes. It was an air strip that we had just
10 gotten. I got it because the last one had been damaged
11 because of the government.

12 Q Paragraph 62, from the same date.

13 M: I was telling you that the runway is in a good
14 location, far from La Mesa, because there are soldiers in
15 La Mesa.

16 What's going on in La Mesa?

17 A La Mesa was a place where we had taken off with the first
18 flight, but then it got all filled with the government people;
19 and that's why we had to switch places, so that we would avoid
20 being located.

21 Q This landing strip that you are talking to the defendant
22 about, did you eventually wind up using it?

23 A Yes.

24 Q Moving forward, on the same date, paragraphs 63 through
25 74, the highlighted ones.

Sanchez Lopez - direct - Nardozzi

1 J: How much did your ex buy it for?

2 M: At 500 a pound.

3 J: And how much did he buy?

4 M: 500 kilos.

5 J: And where did he buy?

6 M: Where I bought, in Mezecaltitan and La Culacha.

7 He didn't get here in Tapichugua.

8 J: Who bought better quality?

9 M: Well, I was told I took the best one.

10 M: And he bought a lot with seeds.

11 What does it mean, a lot with seeds?

12 A Well, it's the quality is very different to the one that
13 does not have any seeds.

14 Q Okay. So how so? Explain that for us.

15 A Well, the one that was really good quality should not
16 have any seeds, because supposedly, if that's not the case,
17 that then they don't sell that much and that the sales slow
18 down. That's what they said.

19 Q So it's a lower quality?

20 A Yes. When it has seeds it's lower quality and it's also
21 cheaper, but when it doesn't have any seeds then it's better
22 quality and there is also different types.

23 Q Paragraph 79 and 82 from the same day.

24 J: Love, check how much there is available for you
25 to buy it all, but, if you have to, rip the bags and check

Sanchez Lopez - direct - Nardozzi

1 properly so you don't buy any more with seeds.

2 M: Yes, love. According to what I found out, there
3 are about 400 more, and a friend said there are about two tons
4 of pure bola, higher, with no seeds.

5 What's pure bola?

6 A Well, the one that is bola in this case is the best
7 quality that you have or you can find there. Well, the one
8 that we call bola there, they refer to it as crack; and the
9 one that is not bola, they refer to it as the commercial one.
10 The one that's bola is much more expensive compared to the
11 commercial one.

12 Q Is there a reason why the defendant is talking to you so
13 much about the amount of seeds in the marijuana?

14 A Yes. Because I was actually sending him packages with
15 seeds because I wanted him to get upset with me so he would
16 ask me to come back, but I did not manage that.

17 Q Let's skip a little further ahead. Paragraphs 95 through
18 99 for the next day, January 19, 2012.

19 M: Cachimba said that for the 400 kilos to fit
20 perfectly we should make 24 packages of five kilos. What do
21 you think?

22 J: Do that, love.

23 M: Okay, love. Then I will buy 350 or 400 kilos
24 more for this flight, love. It would be 350 to complete the
25 four with the 50 that are left there, right?

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1 J: Yes, love.

2 When you say, 350 to complete the four, what are you
3 referring to?

4 A It was to complete the second flight. So that we would
5 get it together with the 50 kilos that had been left from the
6 first flight that Cachimba could not take with him.

7 Q That's the 50 that you are referring to in paragraph 98?

8 A Yes.

9 Q Moving ahead to January 21, 2012, paragraph 135 through
10 137, for the record.

11 M: If I don't complete the flight by tomorrow, I
12 will go to Galancita to buy, love.

13 J: All right, sweetheart. I love you. Whenever
14 you can go, go up to send a message, love.

15 M: Well, I'm sitting here in the car with Juan, my
16 sister, and Callo.

17 First of all, what are you telling him here?

18 A Well, that if I could not complete that flight in that
19 town, then I was going to go to a separate town where they had
20 more marijuana. They had said that there was more marijuana
21 there at a different ranch, because the ranch where I was at I
22 was having a hard time completing that flight.

23 Q That town, is that Galancita?

24 A Yes, in Tamachula, La Durango.

25 Q That's in the same general area of the golden triangle,

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1 correct?

2 A Yes.

3 Q You mentioned somebody by the name of Callo.

4 Who is that?

5 A Callo was a guy from that community who was one of the
6 marijuana producers.

7 Q How do you know Callo?

8 A I met him there because he lived in the same area in
9 which I lived for some time.

10 Q Moving ahead to paragraphs 145 through 148, on
11 January 23, 2012.

12 M: I came here to Las Trancas. El Guero gave me a
13 chance to buy here, but the people don't want for less than
14 750; and there are another 150K, but they are asking 600.

15 J: All right, love. Complete it. Send my regards
16 to Guero. Buy them at 600.

17 In general, what is this discussion about?

18 A We are talking about the price of the marijuana. He is
19 giving me -- I'm giving him the price of the kilos that we had
20 there, and he is telling me to buy at 600 because he didn't
21 want to pay the 750.

22 Q All right. That number 150K, what does that refer to?

23 A Kilos.

24 Q Okay. Let's take a look at paragraphs 206 to 212 from
25 January 26 of 2012.

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1 M: Love, have they told you about the packages I
2 sent today?

3 J: They are fine, love. Did you mark them?

4 M: 15 kilos are marked. Those weren't really good,
5 and they were from Callo's marijuana. Those turned out bad.
6 Yes, love, they are marked.

7 Why are you distinguishing the marijuana that's
8 being sent by Callo?

9 A Because Callo's had seed, and I wanted to buy it from
10 him. I didn't want to leave it there, because I felt a pity
11 for him. So I bought it from him. Those were people who were
12 very low income people and they worked way too much.

13 Q Let's take a look at paragraphs 232 and 233 from
14 January 31, 2012.

15 M: No, but, yes, people talk too much. I was
16 careful not to be seen, and you see how everybody knows. I
17 may show up hanging somewhere soon due to envy. I don't
18 sleep, love.

19 J: Look, the mafia kills people who don't pay or
20 people who snitch, but not if you are serious, love.

21 Could you give us some context. What are you
22 talking about with the defendant leading up to this portion of
23 the conversation?

24 A Well, what we are talking about there is that he had
25 received some message where people were telling him that they

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1 had seen me buying marijuana. And I told him that I was
2 taking care and that I didn't want to be seen because I didn't
3 want to be involved with that. And I would watch out also
4 from the other buyers because, you know, if they were envious
5 they would also then try to hurt me; and I didn't want for
6 that to happen because I was working and they were working
7 too.

8 And I would then watch out from the buyers that he
9 had before because if they thought he was actually paying me,
10 then they might actually trying to do something against me,
11 and that was not the case.

12 Q Was he paying you off?

13 A No.

14 Q Paragraph 234 and 235, from the same date.

15 M: Well, that's true, love. I know that when a
16 person is loyal and straightforward he or she can last for
17 years. He or she can die of natural causes. But there are
18 also envious people who, just because they want to get someone
19 out of their way, do bad things. But I'm not afraid of that,
20 love.

21 I have thought about things before. I know that I'm
22 not doing anything bad. On the contrary, I think this is good
23 for people, and even more so with you because you have helped
24 the ranches a lot and I'm proud and hold my head up high
25 guided by you, love.

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1 THE INTERPRETER: Counsel, the interpreter read
2 that.

3 MR. NARDOZZI: That's even better.

4 Q If you like what I have done and you want me to continue,
5 I will continue until whenever you want me to. I like it. At
6 least I feel useful.

7 When you said that someone could last for years,
8 what were you telling him?

9 A Well, I'm telling him that people can last a long time if
10 nobody rats on them because I was actually feeling threatened
11 because of the message that he had sent me before.

12 Q So, I mean, if you read this message it seems like you
13 are happy to be doing the work you are doing.

14 Is that true?

15 A Yes. I had my reasons.

16 Q What were they?

17 A Well, first of all, so that he didn't think that I could
18 actually rat him out or give his location to the government so
19 they could find him. And I didn't want for him to mistrust me
20 because I thought that maybe he could also hurt me.

21 And the second one was because I didn't want for him
22 to get my feelings involved. There was a time when he wanted
23 to get them involved, and I didn't want them to do that; and
24 that's the reason why I continued to do it myself.

25 Q Paragraph 236 from the same day.

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1 J: That's right, love. Lies are what cause
2 problems. Don't lie, and people will always see the good,
3 love. Always remember that. I'm telling you this because I
4 love you. Even if you make a mistake, don't deny it, and you
5 will always be happy and people will appreciate you. I love
6 you.

7 What is the defendant telling you here?

8 A Well, to do the right thing, and what he was telling me,
9 that as long as I said the truth and didn't lie to him that
10 everything would be okay.

11 And I was trying always to keep him happy. I was
12 confused about my own feelings over him. Sometimes I loved
13 him and sometimes I didn't, because of the different attitudes
14 that he would have at different times.

15 Q When he said that something could happen, what did you
16 take that to mean?

17 A That something could happen to me.

18 Q Did you ever discuss the messages that we just reviewed
19 with the defendant in person after you exchanged them over
20 PIN?

21 A No, only about the marijuana. And he would always say to
22 me in person that I shouldn't go around saying where he was or
23 things like that.

24 In fact, I wasn't allowed to bring a cell phone when
25 I went to be with him and they would put -- cover my eyes when

1 they would take me to the places where he was.

2 MR. NARDOZZI: Okay. Your Honor, I'm about to
3 switch topics. I'm not sure if it's a good time for a break.

4 THE COURT: Yes, it's a good time. We will take our
5 mid-afternoon break, ladies and gentlemen. Reconvene at 3:15.

6 Please don't talk about the case amongst yourselves.

7 (Jury exits.)

8 THE COURT: All right. Let's have the marshals take
9 the witness out, please.

10 Do you have a lot more reading of telephone calls?

11 MR. NARDOZZI: That was it, Your Honor. There are
12 no more phone calls.

13 THE COURT: All right. See you at 3:15.

14 (Recess.)

15 THE CLERK: All rise.

16 THE COURT: Please bring in the jury.

17 MR. PURPURA: Your Honor, please --

18 THE COURT: Please don't bring in the jury?

19 MR. PURPURA: I see the witness is upset, and I
20 don't want them to see her upset, crying. That's all.

21 THE COURT: Okay. Let's take five more minutes and
22 let the witness compose herself.

23 (Recess.)

24 (Continued on the next page.)

25

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1 THE CLERK: All rise.

2 THE COURT: All right. Now let's have the jury,
3 please.

4 (Jury enters.)

5 THE COURT: All right. Be seated, please.

6 Please continue, Mr. Nardozzi.

7 MR. NARDOZZI: Thank you, Your Honor.

8 BY MR. NARDOZZI:

9 Q All right. Ms. Sanchez, so after the harvesting of
10 marijuana that you were doing that we were just discussing in
11 these exchanges, did you ever do that again for Mr. Guzman?

12 A No. Afterwards I only did it through messages. I served
13 as the middle person with another guy he sent up to the
14 mountains.

15 Q Okay. You mentioned earlier that you took a role in
16 operating some front businesses.

17 Do you remember that?

18 A Yes.

19 Q Did you do that at the defendant's request?

20 A Yes.

21 Q When did you start operating or taking a role in these
22 front businesses?

23 A I started those businesses in the year 2012,
24 approximately in June.

25 Q How long did you work on those front businesses?

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1 A For three months. It was in August that it was all done,
2 the articles of incorporation of one of the businesses that I
3 set up.

4 Q All right. So you mentioned businesses. How many
5 businesses were there, that you were aware of?

6 A There were three. The ones that I had a lot of knowledge
7 about were three.

8 Q All right. And where were those three businesses
9 located?

10 A Well, the main one, which was the one that I was
11 organizing, was in Mexico City.

12 Q Where were the other two that you had some involvement
13 in?

14 A The other one was in Los Angeles, California. That was
15 the one that was being set up by Angie Torres.

16 Q What about the third?

17 A The third one was in Ecuador, and it was being set up by
18 Callo.

19 Q Is this the same Callo that you were in the mountains
20 with that you just told us about?

21 A Yes.

22 Q All right. Let's start with the Mexico City business.
23 Is this the one that you were most involved with?

24 A Yes.

25 Q What did you do to assist the Mexico City business?

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1 A Well, what I did was to give some guidance to the guy who
2 was being like the main owner of the company. He was called
3 Pancho.

4 Q Who is Pancho?

5 A Pancho was the guy who was going to lend his name for the
6 company.

7 Q All right. Let's go back a little bit.

8 What was the stated purpose of this company?

9 A It was a company that commercialized the importation and
10 distribution of juices.

11 Q What was the actual purpose of the company?

12 A It was for the exportation of drugs.

13 Q What was the benefit of having a legitimate business on
14 top of an exportation of drug business?

15 A It was to clean up whatever came into the accounts of the
16 company so that they wouldn't be found out, you know, to be
17 under the radar, and to keep working in a way that was, you
18 know, you could say, more correct or right.

19 Q When you say, "clean up whatever came into the accounts,"
20 what specifically are you referring to coming into the
21 accounts?

22 A The money from what was sold, the juices or drugs,
23 whatever that was being managed through there.

24 Q So what did you do to further this business along in
25 setting up?

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1 A Well, I indicated to the guy Pancho what institutions he
2 had to go to in order to register the company, how to set up
3 bank accounts, everything related to the legal documentation
4 of the company and its incorporation, to establish the
5 foundation to be able to start operating.

6 Q Does your name ever show up on any of these documents?

7 A No.

8 Q You said earlier that Pancho lent his name to the
9 articles of incorporation.

10 A What do you mean by that?

11 A Well, he appeared as the main and sole owner, as the main
12 manager and director, the sole one, and he could be the only
13 one to sign checks and do anything that was -- that came up
14 for the company.

15 Q What was Pancho's background? Was he a businessman?

16 A No.

17 Q Did he have a formal education?

18 A No.

19 Q Did he have a lot of money?

20 A No. He was a neighbor.

21 THE COURT: Excuse me. Do you understand?

22 Q Yes. So what qualified Pancho to run this business?

23 A Well, Pancho was a low-income person who could be easily
24 manipulated, and this is why he was hired.

25 Q Who asked you to hire Pancho?

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1 A Well, first of all, it was Benjamin who hired him. He
2 was another worker of Joaquin's. And then I helped them lead
3 this, and this was under Joaquin's orders so I could teach
4 them how to do things under his orders.

5 Q Did the defendant ask you to seek out somebody who had
6 the characteristics of Pancho?

7 A He simply said that it was -- I should find a low-income
8 person that could be manipulated so that every time that an
9 order was given he would satisfy it.

10 Q You said you worked for three to four months on this
11 business?

12 A Yes.

13 Q Did any money or assets ever come through the business
14 accounts?

15 A Not through the accounts of the company, but they did go
16 through Pancho's hands to go to other people.

17 Q How much money went through Pancho's hands during that
18 period of time?

19 A What I was able to calculate was \$5 million, but that
20 also included some national currency.

21 (Continued on the next page.)

22

23

24

25

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1 DIRECT EXAMINATION (continuing)

2 BY MR. NARDOZZI:

3 Q By that you mean Mexican pesos?

4 A Yes.

5 Q And also U.S. dollars?

6 A Yes.

7 Q And during that period of three to four months, how many
8 gallons of juice were exported?

9 A None.

10 Q Were there any fruits that were moved through the
11 business to help to make juice?

12 A Yeah, no, there were no operations that moved within this
13 business, but they would move money.

14 Q Did the business operate at all?

15 A No, not yet.

16 Q You mentioned two other businesses in Ecuador and Los
17 Angeles, describe for us what was the Los Angeles-based
18 business?

19 A Well, I really don't know the extent of the business that
20 was being constituted by Angie in Los Angeles, I just know she
21 was the main operator of that business.

22 Q How do you know that?

23 A I found out about it through a meeting with Joaquin,
24 Angie, the sister, mother and one of his partners called,
25 Ricon.

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1 Q When did that meeting take place?

2 A In the city of Culiacan Sinaloa Mexico.

3 Q Why were you at that business -- or that meeting? Excuse
4 me.

5 A Because at that time I was living with Joaquin, we would
6 share our home for stretches of time.

7 Q And what was discussed at that meeting?

8 A Well, the things that Joaquin said to his partner Ricon,
9 I don't know about that, but the conversation with Angie I did
10 hear they were talking about razors and she was saying that
11 she needed one.

12 Q What's a razor?

13 A Razors are like ATV vehicles that are used in the
14 mountains so you can go around in them.

15 Q What did the defendant say in response to her request for
16 a razor?

17 A Well I heard him say that to her, when you finish the
18 business in Los Angeles I'm going to gift you one he said.

19 And she responded that she had everything already,
20 that the only thing she was missing was some permits for the
21 warehouses and paint.

22 Q Where was this home located where the meeting occurred?

23 A In the Libertad neighborhood of Culiacan.

24 Q Did you ever communicate with Angie or her family about
25 this business after the meeting?

1 A Yes.

2 Q Why?

3 A First, I communicated with her because she would tell me
4 that she needed money for expenses, that I should tell my
5 husband, meaning Joaquin. And afterwards I ran into her mom
6 in a cafe some months later and she confirmed that everything
7 had been fixed with the warehouse in Los Angeles and that I
8 should communicate that to my husband, Joaquin.

9 Q Did you?

10 A No, not directly.

11 Q Let's talk also about the business in Ecuador. Who was
12 running that business?

13 A Callo.

14 Q And Callo, did he fit that same profile as Pancho?

15 A Yes.

16 Q How about Angie, did she fit that profile as well?

17 A I really don't know, but I don't think so.

18 Q What was the business in Ecuador?

19 A Well, as far as I understand, they were setting up a
20 company for the importation and exportation of fish flour.

21 Q Did you ever communicate with Callo about this business
22 in any capacity to help move it along?

23 A Yes.

24 Q How often?

25 A Well, it was a long time because I pretty much was not

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1 really familiarized with that kind of business. I got in
2 touch with him after Joaquin was arrested because he wanted to
3 know what was happening with that business that was being set
4 up, and about some expenses that were pending.

5 Q And just so everyone is clear, fish flour you mentioned,
6 what is fish flour?

7 A Well, as far as I understand it's flour that is made out
8 of fish bones but I do not know what that is used for.

9 Q It's like a powder, right?

10 A Yes, regular flour, just like corn flour.

11 Q Okay. You stated earlier that your relationship with the
12 defendant changed over time. When would you say your
13 relationship, the main part of it ended?

14 MR. PURPURA: Objection, 401.

15 THE COURT: Overruled.

16 A My relationship with the defendant started having
17 problems at the end of 2012.

18 Q As a result of that, what happened?

19 A Well we had some difficulties and we distanced each other
20 for some time.

21 Q Did you continue to work for the defendant's organization
22 after the relationship ended?

23 A No.

24 Q So what what did you decide to do?

25 A Well I decided to start another job and I got into

1 politics.

2 Q When was that?

3 A It was in 2014.

4 Q And when you say you got involved in politics,
5 specifically what did you do?

6 A Well, I ran for office as a candidate in the local
7 Congress and in my town Cosala, District Number 16.

8 Q And did you win?

9 A Yes, with many votes.

10 Q How long was your term?

11 A Three years.

12 Q Did you serve the whole thing?

13 A Most of that time, a few months before I would finish my
14 term I was removed.

15 Q Why?

16 A Because of my relationship with Joaquin.

17 Q We'll talk about that in a little bit.

18 First, during this period of time when you were
19 acquiring marijuana, setting up businesses for the defendant,
20 is it fair to say you were spending a lot of time with him?

21 A Yes.

22 Q What kind of things would you do for him during that
23 time?

24 A Well, when I would not go out to work then I would just
25 be there in the house living there with him. I was like his

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1 house, home wife. I would make his purchases, his personal
2 clothing, his lotions, everything that deal with his own
3 personal care. I was like a home wife.

4 Q Just to give us a perspective, what was the time frame of
5 that?

6 A Well, that was from 2011 to 2012 and even part of 2013.

7 Q You said a minute ago you purchased clothes for him, what
8 kind of clothes did you purchase for him?

9 A Well, yes, I would buy his shirts, his pants, his tennis
10 shoes, his underwear, his lotions, everything because he could
11 not -- whatever he needed because he couldn't go out of the
12 house.

13 Q Do you recall what size pants the defendant wore?

14 A Yes.

15 Q What was the size?

16 A Thirty-two by 32.

17 Q When you would buy him 32 by 32 pants, did you ever have
18 to do anything to them?

19 A Yes, well I would have to cut the legs of the pants
20 because they were a little long so I had to like readopt them,
21 re-tailor them to his own height.

22 Q What would the ideal size of pants have been?

23 A Well I think about a 32 by 28 I think that could have
24 been.

25 Q What about shoes, you mentioned you purchased shoes for

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1 him before?

2 A Well, right now I mean I don't recall the exact size but
3 I would buy for him like between a six or seven, but I do not
4 have the exact number right now.

5 Q Is that the Mexican size or the U.S. size?

6 A Mexican.

7 Q What kind of shoes would he ask you to buy for him?

8 A Nike tennis shoes.

9 Q Do you remember what color he liked?

10 A Either completely black or sometimes black with blue.

11 Q During this period of time where you were spending a lot
12 of your time with the defendant, is it fair to say that you
13 had an opportunity to observe the way that he communicated
14 with other people?

15 A Yes.

16 Q How did he communicate with other people?

17 A Well, through text messages.

18 Q And did he have any people that he had help assist him in
19 these communications?

20 A Well, yes, the secretaries who worked for him.

21 Q Who were the secretaries that he had help him with his
22 communications?

23 A Well, one of them was Condor, the other one was Picudo
24 and then there was another one, Chaneque.

25 Q Showing you what's already in evidence as Government's

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1 Exhibit 63. Who is that?

2 A Condor.

3 Q Showing you what is in evidence as Government's

4 Exhibit 68. Who is that?

5 A Picudo.

6 Q What was Picudo's role for the defendant, generally?

7 A Well, he was a secretary and he was always the lookout
8 for whatever he needed and all of the communications that he
9 needed to send to other people who were out of the house.

10 Q And this Chaneque that you mentioned, did he hold a role
11 that was similar to Picudo and Condor?

12 A Yes, they were similar.

13 Q These secretaries, did they all work at the same time?

14 A No.

15 Q So what did they do?

16 A Well, they would actually take turns every 21 days. So
17 one person would leave, the other one would come in and the
18 person who left, left everything that was pending for the one
19 who was coming in.

20 Q So it was always one at a time, right?

21 A Yes.

22 Q During your time with the defendant, did you become
23 familiar with something called the oficina?

24 A Yes.

25 Q What's the oficina?

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1 A Well, I decipher that as a filter. It was an oficina, an
2 office where there were several spots. They would have to
3 communicate Chapo's messages or the messages from the
4 secretaries through five different spots until they reach the
5 final destination.

6 Q You say this word "filter," what do you mean by that?

7 A Well it was series of steps that the message had to climb
8 through in order to get to the final destination.

9 Q How did you decipher this?

10 A By listening and by observing. They would send -- well,
11 for example, they would -- they had a contact by the name
12 Changeque, another one Medusa and then they had another one
13 Tiki and two other people whose nicknames I don't recall and
14 that's how I realized they had to go through different spots.

15 And because, for example, when one of the oficinas
16 or spots did not work, the secretary would tell Joaquin that
17 they were not responding and they had to go through a
18 different person to communicate that message.

19 Q Did you ever communicate with the defendant through this
20 oficina, this filter system?

21 A Yes.

22 Q Did you have a screen name that you used?

23 A Yes.

24 Q What did you use?

25 A Maico.

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1 Q Did you have any other names that you were referred to by
2 over this system?

3 A Yes, Tere or Diputada or La Diputada.

4 Q That was after you were elected to office, right?

5 A Yes.

6 Q So if a message were to go from you to the person at the
7 top of the system, the defendant, how would that work?

8 A Well, for example I would send a message and then it
9 would go to the next spot and, for example, it was Medusa. So
10 then Medusa would tell Chaneque this message is from Maico and
11 then that would go to Joaquin's secretary and that's how they
12 would continue to communicate the message and that's how it
13 would reach him.

14 Q When the message moved from point A to point B, was the
15 message summarized or was it the exact words that were typed
16 into the Blackberry system?

17 A It was the same one, they would just add the name of the
18 person who sent it.

19 Q How would the defendant receive messages from the
20 secretaries?

21 A Well it was either verbally or sometimes whenever it
22 would give him message they would actually pass the phone on
23 to him so that he could be in direct contact with the person
24 that was passing on the message.

25 Q Were there instances where the defendant himself would

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1 use the device given to him by a secretary to send a message?

2 A Yes.

3 Q Were there also instances where he would order a message
4 to be sent?

5 A Yes.

6 Q During the time that you were with the defendant, did you
7 ever hear him discussing any acts of violence?

8 A One time.

9 Q Okay. And on that one occasion, what were you doing with
10 the defendant that time?

11 A Well, I was at the table with him, I recall it really
12 clearly because on that day because we were eating when the
13 secretary came in to give him a message.

14 Q Do you remember which secretary?

15 A I think it was Condor who was there.

16 Q What did Condor say to the defendant?

17 A Well, what he told him was, Tio, Uncle Virgo died.

18 Q And when the defendant received this message, how did he
19 react?

20 A Well, at first he did not react. I mean he looked like
21 he was uncertain and then he turned around to look at me and
22 he looked at me seriously -- with a serious demeanor and then
23 he said some words that I did not like.

24 Q What did he say?

25 A Well what he said was that from that point on whoever

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1 betrayed him was going to die regardless of whether they were
2 family, or women, or, you know, if people ratted him out that
3 they were going to die.

4 Q What did you think when you heard this reaction from the
5 defendant?

6 A Well at first I thought that maybe that person had passed
7 away from an illness, but then when he said that and he
8 reacted that way I thought that he had had him killed.

9 Q Okay. You told us earlier that the main part of your
10 relationship with the defendant ended sometime around the end
11 of 2012 or 2013, the beginning is the that last time you saw
12 him?

13 A No. Like the relationship had ended but it seemed that
14 it actually would never end.

15 Q You stayed in contact with him, right?

16 A Yes.

17 Q I want to direct your attention to the date of
18 February 16th, 2014. Where were you that day?

19 A I was with him at the Guadalupe neighborhood.

20 Q Describe the circumstances, how did you get to be there
21 with the defendant that day?

22 A Well that day he saw me out, he sent me a message via PIN
23 and he asked to see me and so I went to where he was. And he
24 told me that he wanted to see me. I responded to his message
25 and I started heading towards where he was because he wanted

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1 to see me and so I went towards the Libertad neighborhood.

2 Q Where is that, is that the city?

3 A No, well, this is a neighborhood that he's located in the
4 city of Culiacan in Mexico.

5 Q And after you went to Colonia Libertad, did you stay
6 there with the defendant or did you go somewhere else?

7 A He was -- we were there, we were sharing the table and he
8 was eating when Condor came in suddenly and said, Tio, we have
9 to move.

10 Q So what happened next?

11 A Well, he left -- he said that he should go and that they
12 turned on the truck and they got on the truck. He told me to
13 get his personal things together and he said that he would
14 send a worker of his to come get me.

15 Q I'm going to show you what's marked as Government
16 Exhibit 62 and it's in evidence.

17 Who is that?

18 A Nariz.

19 Q Who is Nariz?

20 A He was one of the guys who worked running errands at the
21 house. He was the one who would bring me over to where
22 Joaquin was.

23 Q So where did you end up going that night?

24 A Well I was waiting there for a long time, for hours at
25 the house and then he called me -- no, he had -- there was a

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1 servant, a maid who called me and said that I should drive to
2 Guadalupe and that I would receive instructions on how to get
3 there.

4 Q Did you arrive at Guadalupe?

5 A Yes.

6 Q What happened when you got to Guadalupe?

7 A Well I arrived, he showed me the house because the house
8 that he was in at that time was new to me.

9 Q When you say he showed you the house, who are you
10 referring to?

11 A Joaquin. He took me around to see the entire house.

12 Q Describe the house just very briefly for us, what did you
13 see?

14 A Well, it's a house that has, you know, two gates, I think
15 the color I'm not that sure, but the gates were brown I do
16 remember that. It had two stories and inside there was a pool
17 and the pool had some screens or monitors and I remember about
18 that because I asked him about that.

19 Q What did he tell you about the monitors?

20 A Well what he said, oh, that's so we can watch TV when we
21 are dipping here in the pool. That's what he told me.

22 Q What happened that night?

23 A Well, that night later we went to sleep. Our room was in
24 the ground floor.

25 Q After you went to sleep, what happened next?

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1 A Well, you know, after we stayed up, we were talking for
2 hours, him and me, and after that I couldn't sleep. I was up
3 kind of falling asleep around three or four in the morning
4 when I started hearing some loud noises on the door outside.

5 Q What kind of noises were they?

6 A Well, I heard like a lot of thumps and helicopters, I
7 heard yelling. I heard Condor come in and say, Tio, Tio, open
8 up, they're on us, they're on us. And I was very scared. I
9 was in shock that day.

10 Q What happened next?

11 A I was looking at them, they were running around
12 everywhere and then I saw him go into the bathroom with Condor
13 and with the maid and he said, Love, come, come with me, come
14 in here.

15 Q When you say "him," you're referring to the defendant?

16 A Joaquin, yes.

17 Q What was the maid's name?

18 A They called her Chaparra.

19 Q Did you go in the bathroom?

20 A Yes.

21 Q What did you see when you got in the bathroom.

22 A Well what happened was that there was like a lid on the
23 bathtub that came up and right there and I was, like, do I
24 have to go in there. I was very scared because it was very
25 dark and they had all gone in there.

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1 Q When you say a lid on the bathtub, what do you mean by
2 that?

3 A Well it was the entire tub. The entire tub was hollow
4 underneath.

5 Q And was there anything assisting the tub to stay up?

6 A Yes, it had kind of, some kind of a hydraulic, you know,
7 like a piston they call it.

8 Q What was underneath the bathtub?

9 A Well the first thing that I saw were wooden steps and
10 then the next thing the only other thing I could see was
11 complete darkness.

12 Q So what did you all do?

13 A Well, we went in there and I heard him say to Condor,
14 close up the tub and he pulled on it and then we were in
15 complete darkness.

16 Q Once he pulled in the tub, you're in complete darkness,
17 what is the space that you're in?

18 A Well for me it was horrible because I had never been in a
19 place like that. It was a humid place filled with water, with
20 mud.

21 Q Before we go any further down there, before you went
22 underneath the bathtub, did you ever see anything on any of
23 those TVs in the house that night?

24 A Yes, on that day I just saw a lot of people outside. I
25 was staring at them. I was in shock, I was in bed.

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1 Q So the TVs, they had an image from outside of the house?

2 A Yes, they were the security cameras that he had at the
3 house.

4 Q What kind of people did you see on those screens?

5 A Well what I remember is that there were people wearing
6 helmets, like government people, and I could hear them yelling
7 and they were hitting the door really hard. They were wearing
8 uniforms that had hoods on them that's what I saw.

9 Q Once you're underneath the bathtub, what do you hear,
10 what happens next?

11 A Well, what I could observe was that they were trying to
12 force open a door that was about five meters away from the
13 steps. I could see Joaquin and Condor trying to open this
14 hatch door to open it so they could go out to a tunnel.

15 Q When you say a hatch door, what do you mean by that?

16 A Well it was like a door that was made of reinforced
17 steel, I don't know why, but it had like a handle that was
18 like a wheel that had to be turned in order to unlatch it or
19 unlock it.

20 Q Was the door eventually opened?

21 A Yes.

22 Q What happened when the door opened?

23 A Well, we took off running. First, he took off running,
24 then it was me, then Condor, and then chap piece.

25 Q You say "he," meaning the defendant, correct?

1 A Yes.

2 Q This is the middle of the night, what was the defendant
3 wearing?

4 A Nothing, he was naked.

5 Q What about the rest of you?

6 A I did have clothes, I think Condor did too and the girl
7 had pajamas on.

8 Q So the door opens, what do you all do?

9 A Well he -- we took off running. He ran off first, he
10 left us behind, so I continued feeling the sides of the tunnel
11 in order to be able to get through the darkness and know where
12 to go.

13 Q How big was this tunnel?

14 A Well, it was taller than me. I couldn't really see but
15 it was, I think, like a meter and a half tall and it was wide.
16 I could feel the walls were concrete and as I walked along I
17 could feel the water coming up my legs.

18 Q How tall are you approximately?

19 A In Mexican measurements I'm 152 in meters.

20 Q How long were you in this tunnel?

21 A Oh, enough to traumatize me. I think it was more than an
22 hour I believe.

23 Q And did you travel with the defendant and the other two
24 individuals, Chaparra and Condor, through the tunnel?

25 A Yes.

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1 Q Where did you emerge from the tunnel?

2 A Well, we came out to an area, it was like a river. I
3 think it was the Humaya River where Cunada was in Culiacan.

4 Q You were underground the whole time until you got there?

5 A Yes.

6 MR. NARDOZZI: I'm going to, for the witness only,
7 put up on the screen what's marked as Government
8 Exhibit 815-1.

9 THE COURT: How are you doing on timing?

10 MR. NARDOZZI: Actually this will be a fine time,
11 because I can wrap this up in the morning on Tuesday.

12 THE COURT: Ladies and gentlemen, we'll break for
13 the day. Please stay away from any media coverage of the
14 case, do not communicate or say anything to anybody about this
15 case, don't do any research on the case. Keep your mind open.

16 We'll see you Tuesday morning, remember Tuesday
17 morning not Monday, Monday Court is closed, Tuesday morning at
18 9:30.

19 Have a good weekend.

20 (Jury exits courtroom.)

21 THE COURT: Anything else to cover?

22 MR. BALAREZO: Your Honor, just one quick thing.

23 THE COURT: Everyone can sit down.

24 MR. BALAREZO: The Court had given us until today to
25 comment on the government's request for charge. I was

1 wondering if you could give us just a few more days. We had a
2 little miscommunication, we need to resolve some of our
3 concerns.

4 THE COURT: I thought I had actually given you a
5 couple of more days, which wasn't today.

6 MR. BALAREZO: Oh, then I'll take it.

7 THE COURT: You can have it.

8 MR. BALAREZO: Until Tuesday.

9 THE COURT: That's fine, Tuesday, really Monday.

10 MR. BALAREZO: We'll get it to you Monday.

11 THE COURT: Also the government did not give me a
12 proposed verdict form. I need to see that. Please keep in
13 mind that it should be -- it will be as simple and
14 straightforward as possible. We're not going to argue the
15 case on verdict form.

16 MS. PARLOVECCHIO: Yes, Your Honor, we'll make it as
17 straightforward as possible and user friendly as possible.

18 Just briefly, the defense has provided us with the
19 name of a number of individuals who they say they intend to
20 call. At least three of those individuals, they are fairly
21 generic names, there is no other identifying information or
22 indication as to what they relate to. We would just request
23 that there be some sort of additional information so we can
24 conduct an investigation. They may be located abroad, we
25 don't know. We're just asking for a little bit more detail.

1 MR. BALAREZO: Your Honor, I've already told the
2 government I will give them the information as soon as I have
3 it in my hands.

4 THE COURT: Okay. But keep in mind, you know I'm
5 not going to have the government sandbagged --

6 MR. BALAREZO: Not --

7 THE COURT: I'm not accusing you, I'm not saying you
8 would do that, but I don't want to have to take the time to
9 adjourn the trial so the government can look into people.
10 It's more likely I'll just say you can't call that person
11 because you didn't tell the government enough information, so
12 please tell the government enough information.

13 MR. BALAREZO: I understand.

14 THE COURT: Okay. See you all Tuesday.

15 MS. PARLOVECCHIO: Thank you.

16 (Whereupon, the trial adjourned at 4:20 p.m. to
17 resume Tuesday, January 22, 2019 at 9:30 a.m.)

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